

# Exhibit 43

Donald Hicks

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW JERSEY

- - -

IN RE: JOHNSON & :  
JOHNSON TALCUM POWDER :  
PRODUCTS MARKETING, : MDL  
SALES PRACTICES, AND : NO. 16-2738  
PRODUCTS LIABILITY : (FLW) (LHG)  
LITIGATION :  
:  
THIS DOCUMENT RELATES :  
TO ALL CASES :

Volume I

- - -

June 28, 2018

- - -

Videotaped deposition of  
DONALD HICKS, taken pursuant to notice,  
was held at the law offices of Drinker  
Biddle & Reath, 105 College Road East,  
Princeton, New Jersey, beginning at 9:31  
a.m., on the above date, before Michelle  
L. Gray, a Registered Professional  
Reporter, Certified Shorthand Reporter,  
Certified Realtime Reporter, and Notary  
Public.

- - -

GOLKOW LITIGATION SERVICES  
877.370.3377 ph | 917.591.5672 fax  
deps@golkow.com

Donald Hicks

Page 2	Page 4
<p>1 APPEARANCES:</p> <p>2</p> <p>3 BEASLEY ALLEN, P.C.</p> <p>4 BY: LEIGH O'DELL, ESQUIRE</p> <p>5 JENNIFER K. EMMEL, ESQUIRE</p> <p>6 218 Commerce Street</p> <p>7 Montgomery, Alabama 36104</p> <p>8 (334) 269-2343</p> <p>9 leigh.odell@beasleyallen.com</p> <p>10 jennifer.emmel@beasleyallen.com</p> <p>11 - and -</p> <p>12 ASHCRAFT &amp; GEREL, LLP</p> <p>13 BY: MICHELLE A. PARFITT, ESQUIRE</p> <p>14 4900 Seminary Road, Suite 650</p> <p>15 Alexandria, VA 22311</p> <p>16 (703) 931-5500</p> <p>17 mparf@aol.com</p> <p>18</p> <p>19 - and -</p> <p>20 COHEN, PLACITELLA &amp; ROTH PC</p> <p>21 BY: CHRISTOPHER M. PLACITELLA, ESQUIRE</p> <p>22 127 Maple Avenue</p> <p>23 Red Bank, New Jersey 07701</p> <p>24 (732) 747-9003</p> <p>cplacitella@cpirlaw.com</p> <p>- and -</p> <p>WILENTZ GOLDMAN &amp; SPITZER, P.A.</p> <p>BY: DANIEL R. LAPINSKI, ESQUIRE</p> <p>90 Woodbridge Center Drive</p> <p>Suite 900 Box 10</p> <p>Woodbridge, New Jersey 07095</p> <p>(732) 855-6066</p> <p>dlapinski@wilentz.com</p> <p>Representing the Plaintiffs'</p> <p>Steering Committee</p>	<p>1 APPEARANCES: (Cont'd.)</p> <p>2</p> <p>3 BARRY, McTIERNAN &amp; WEDINGER, PC</p> <p>4 BY: JENNIFER N. CHEONG, ESQUIRE</p> <p>5 10 Franklin Avenue</p> <p>6 Edison, New Jersey 08837</p> <p>7 (732) 738-5600</p> <p>8 Jcheong@bmctwlaw.com</p> <p>9 Representing the Defendant, PCPC</p> <p>10</p> <p>11 VIDEOTAPE TECHNICIAN:</p> <p>12 Darnell Brown</p> <p>13</p> <p>14 - - -</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>
Page 3	Page 5
<p>1 APPEARANCES: (Cont'd.)</p> <p>2</p> <p>3 ORRICK, HERRINGTON &amp; SUTCLIFFE, LLP</p> <p>4 BY: ELYSE ECHTMAN, ESQUIRE</p> <p>5 LOGAN DWYER, ESQUIRE</p> <p>6 51 West 52nd street</p> <p>7 New York, New York 10019</p> <p>8 (212) 506-3767</p> <p>9 eehtman@orrick.com</p> <p>10 ldwyer@orrick.com</p> <p>11 - and -</p> <p>12 DRINKER, BIDDLE &amp; REATH, LLP</p> <p>13 BY: SUSAN M. SHARKO, ESQUIRE</p> <p>14 600 Campus Drive</p> <p>15 Florham Park, New Jersey 07932</p> <p>16 (973) 549-7000</p> <p>17 susan.sharko@dbr.com</p> <p>18 Representing the Defendants, Johnson</p> <p>19 &amp; Johnson entities</p> <p>20</p> <p>21 GORDON &amp; REES, LLP</p> <p>22 BY: KENNETH J. FERGUSON, ESQUIRE</p> <p>23 816 Congress Avenue, Suite 1510</p> <p>24 Austin, Texas 78701</p> <p>512.391.0183</p> <p>kferguson@gordonrees.com</p> <p>- and -</p> <p>COUGHLIN DUFFY L.L.P.</p> <p>BY: MARK K. SILVER, ESQUIRE</p> <p>350 Mount Kemble Avenue</p> <p>Morristown, NJ 07962</p> <p>973-267-0058</p> <p>Msilver@coughlinduffy.com</p> <p>Representing the Defendant, Imerys</p> <p>Talc America, Inc.</p>	<p>1 - - -</p> <p>2 I N D E X</p> <p>3 - - -</p> <p>4</p> <p>5 Testimony of: DONALD HICKS</p> <p>6</p> <p>7 By Ms. O'Dell 15</p> <p>8</p> <p>9 - - -</p> <p>10 E X H I B I T S</p> <p>11 - - -</p> <p>12</p> <p>13 NO. DESCRIPTION PAGE</p> <p>14 Hicks-1 Second Amended 15</p> <p>15 Notice of Deposition</p> <p>16</p> <p>17 Hicks-2 Second Amended 15</p> <p>18 Notice of Deposition</p> <p>19 Hicks-3 Curriculum Vitae of 30</p> <p>20 Donald L. Hicks</p> <p>21</p> <p>22 Hicks-4 J&amp;J Consumer 54</p> <p>23 Companies Worldwide</p> <p>24 Specification</p> <p>Talc Grade 25, USP</p> <p>JNJ 000357471-88</p>

2 (Pages 2 to 5)

3 (Pages 6 to 9)

Donald Hicks

Page 10	Page 12
<p>1                   - - -</p> <p>2           EXHIBITS (Cont'd.)</p> <p>3                   - - -</p> <p>4</p> <p>5       NO.       DESCRIPTION       PAGE</p> <p>6       Hicks-30   C of A Grade 25 NS   316</p> <p>7                   (Talc)</p> <p>8                   JNJ 000629320</p> <p>9       Hicks-31   Guilin Guiguang Talc   322</p> <p>                  Development C of A</p> <p>                  For Talc Powder</p> <p>                  JNJ 000631364-80</p> <p>10</p> <p>11       Hicks-32   E-mail Thread       326</p> <p>                  6/24/14</p> <p>                  Subject, Escalation</p> <p>12                   JBaby Baby Powder</p> <p>                  Unspecified</p> <p>13                   JNJ TALC000369999</p> <p>14</p> <p>15                   - - -</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1                   - - -</p> <p>2           THE VIDEOGRAPHER: Good</p> <p>3       morning. We are now on the</p> <p>4       record. My name is Darnell Brown</p> <p>5       and I'm the videographer with</p> <p>6       Golkow Litigation Services.</p> <p>7       Today's date is June 28,</p> <p>8       2018, and the time is 9:31 a.m.</p> <p>9       This video deposition is</p> <p>10      being held in Princeton, New</p> <p>11      Jersey in the matter of In Re Talc</p> <p>12      for the United States District</p> <p>13      Court for the District of New</p> <p>14      Jersey.</p> <p>15      The deponent is Donald</p> <p>16      Hicks.</p> <p>17      Counsel will be noted on the</p> <p>18      stenographic record.</p> <p>19      The court reporter is</p> <p>20      Michelle Gray who will now swear</p> <p>21      in the witness.</p> <p>22                   - - -</p> <p>23                   ... DONALD HICKS, having</p> <p>24      been first duly sworn, was</p>
Page 11	Page 13
<p>1                   - - -</p> <p>2           DEPOSITION SUPPORT INDEX</p> <p>3                   - - -</p> <p>4</p> <p>5       Direction to Witness Not to Answer</p> <p>6       PAGE   LINE</p> <p>7       None.</p> <p>8       Request for Production of Documents</p> <p>9       PAGE   LINE</p> <p>10      217   2</p> <p>11       Stipulations</p> <p>12       PAGE   LINE</p> <p>13       None.</p> <p>14       Questions Marked</p> <p>15       PAGE   LINE</p> <p>16      262   1</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1       examined and testified as follows:</p> <p>2                   - - -</p> <p>3       MS. SHARKO: Just for the</p> <p>4       record, Mr. Hicks is being</p> <p>5       produced here pursuant to the</p> <p>6       March notices served by the</p> <p>7       plaintiffs as modified by Judge</p> <p>8       Pisano and agreement of counsel to</p> <p>9       testify to topics 1.4 (post 2006);</p> <p>10      6 (post 2006); 8; 9 as to quality</p> <p>11      assurance; 1.628 (post 2006), 9</p> <p>12      and 11 (post 2006); and III (1) to</p> <p>13      (2), all to U.S. products.</p> <p>14      The defendants object to the</p> <p>15      definitions in the notice and</p> <p>16      preserve all their other</p> <p>17      objections, and specifically</p> <p>18      object to the definition of</p> <p>19      asbestos.</p> <p>20      The depositions are being</p> <p>21      taken pursuant to the MDL</p> <p>22      protective order, and I'll note</p> <p>23      for the record that we notified</p> <p>24      plaintiff's counsel in the Brower</p>

4 (Pages 10 to 13)

Donald Hicks

Page 14	Page 16
<p>1 case in Georgia who are the same 2 law firm of Ms. O'Dell that the 3 depositions are moving forward. 4 The topics here overlap and 5 the deposition may be used in both 6 cases. 7 With that, proceed. 8 MS. O'DELL: I'll just for 9 the record note a couple of things 10 for the plaintiffs' steering 11 committee. 12 One, is this deposition 13 here today is being taken, as you 14 mentioned, pursuant to Judge 15 Pisano's February 6th order and to 16 the degree it's been modified 17 since, regarding topics permitted 18 to be discovered at this point, 19 composition, testing, samples and 20 bias, the PSC reserves the right 21 to follow up -- to have follow-up 22 depositions, including an 23 individual deposition of this 24 witness and others regarding the</p>	<p>1 exhibit Number one which is one of the 2 deposition notices that you're appearing 3 here today to speak to. 4 Also I'm going to hand you 5 Exhibit Number 2 which is the deposition 6 notice for Johnson &amp; Johnson. Exhibit 1 7 is for Johnson &amp; Johnson Consumer, Inc. 8 Have you seen those before 9 today? 10 A. I have, yes. 11 Q. I've had an opportunity to 12 read some prior testimony from you. I 13 understand that you previously appeared 14 at four depositions -- is that correct -- 15 in your career? 16 A. Regarding what topic? In 17 general? 18 Q. In general. 19 A. Approximately four 20 depositions. Yes. 21 Q. Do you have a memory of 22 another deposition? Let me ask you this 23 way. Have you been deposed since January 24 of this year?</p>
Page 15	Page 17
<p>1 topics in the 30(b)(6) deposition 2 notices. 3 Further, I understand 4 Mr. Hicks is being offered both 5 for Johnson &amp; Johnson Inc., and 6 Johnson &amp; Johnson Consumer 7 Companies. So his testimony will 8 bind both companies. 9 MS. SHARKO: Yes, correct, I 10 should have said that. 11 - - - 12 EXAMINATION 13 - - - 14 (Document marked for 15 identification as Exhibit 16 Hicks-1.) 17 (Document marked for 18 identification as Exhibit 19 Hicks-2.) 20 BY MS. O'DELL: 21 Q. Mr. Hicks, good morning. 22 I'm Leigh O'Dell. We met just a few 23 minutes before we went on the record. 24 Let me show you what I've marked as</p>	<p>1 A. I have. 2 Q. In what case? 3 A. In a case entitled the 4 Ratcliff case. 5 Q. What was that case 6 involving? 7 A. That case was involving, I 8 believe, a mesothelioma issue. 9 Q. And when was that 10 deposition? 11 A. It was in January. I don't 12 remember the exact date. 13 Q. That may be the area of 14 confusion. I had asked you if you had 15 been deposed since January of this year. 16 Have you sat for another deposition since 17 January of 2018? 18 A. I have not. 19 Q. Okay. Great. And that will 20 be a good spring board into the next 21 thing I want to go over. I know you've 22 been deposed before. I know you know the 23 drill, so to speak. But if I ask you a 24 question that you're not clear on, or if</p>

5 (Pages 14 to 17)

Donald Hicks

Page 18	Page 20
<p>1 you want me to repeat the question, I'm 2 happy to do that. I'm not going to say I 3 ask the best questions sometimes. So if 4 you have a question, I'm happy to 5 rephrase it. 6 Second, if you'll just 7 remember to say "yes" or "no" in response 8 to the questions, I would appreciate 9 that. 10 A. Yes, I will. 11 Q. We talked about the topics 12 to which you are testifying today. 13 Ms. Sharko put that on the record. But 14 to make it more clear rather than to 15 refer to Roman numerals and numbers of 16 paragraphs, you are here today to testify 17 regarding the entities responsible for 18 the composition and testing of Johnson &amp; 19 Johnson's Baby Powder and Shower to 20 Shower products since 2006, correct? 21 A. That's correct, yes. 22 Q. And you're here to testify 23 regarding the standards and protocols 24 that Johnson &amp; Johnson specified for the</p>	<p>1 it was from 2006 through 2017 when I 2 retired. 3 MS. O'DELL: Susan, are you 4 offering Mr. Hicks for -- you did 5 not put a time limit on that 6 particular topic. So are you 7 offering Mr. Hicks for that 8 purpose to testify -- excuse me -- 9 testify to all quality assurance 10 procedures employed by J&amp;J? 11 MS. ECHTMAN: Mr. Hicks 12 today, as he said, is going to be 13 prepared to testify from 2006 14 forward on quality assurance. 15 MS. O'DELL: If that's the 16 case, then I don't think we have 17 that topic covered for the time 18 frame -- excuse me -- time frame 19 prior to 2006, and we would ask 20 that Johnson &amp; Johnson designate a 21 witness for that purpose. 22 BY MS. O'DELL: 23 Q. I'll ask questions today, 24 Mr. Hicks. And I'll refer to Johnson &amp;</p>
Page 19	Page 21
<p>1 production of its Baby Powder and Shower 2 to Shower products since 2006, correct? 3 A. Correct. 4 Q. And you're also here today 5 to discuss the types of testing that was 6 required by Johnson &amp; Johnson in relation 7 to its Baby Powder and Shower to Shower 8 products since 2006? 9 A. Correct. 10 Q. You're here today to testify 11 regarding the quality assurance 12 procedures that Johnson &amp; Johnson and 13 JJCI employed in relation to its Baby 14 Powder and Shower to Shower products? 15 A. That is correct. 16 Q. Now, as I understand it, in 17 relation to that particular topic, there 18 is no time limit, that that is for all 19 time. You are here to testify regarding 20 Johnson &amp; Johnson's quality assurance 21 procedures relating to Baby Powder and 22 Shower to Shower; is that correct? 23 A. That is not my 24 understanding. My understanding was that</p>	<p>1 Johnson. When I do that, if we can just 2 have an understanding I'm referring to 3 both Johnson &amp; Johnson and Johnson &amp; 4 Johnson Consumer, Inc. 5 Can we agree to that? 6 A. I think we can agree if 7 you're referring to the U.S. entities 8 that are called by those names. 9 Q. If you have any confusion as 10 you're responding to my question when I 11 say Johnson &amp; Johnson, I would ask you to 12 bring that to my attention, but I'm going 13 to be asking you questions to bind 14 Johnson &amp; Johnson, Inc., and Johnson &amp; 15 Johnson consumer, Inc. 16 Is that understood, sir? 17 A. Yes, it is. 18 Q. Okay. Thank you. 19 Also today we'll be looking 20 at documents that refer to Imerys and 21 also Imerys' predecessor corporation, Rio 22 Tinto. When I refer to Imerys, can we 23 have an agreement that I'm also referring 24 to Rio Tinto so it's not so messy on the</p>

6 (Pages 18 to 21)

Donald Hicks

Page 22	Page 24
<p>1 record, if you will?</p> <p>2 A. I think that's fair. Yes.</p> <p>3 MR. FERGUSON: Can I object</p> <p>4 to the form of that question,</p> <p>5 please.</p> <p>6 MS. O'DELL: You may. And</p> <p>7 feel free to object. If there's</p> <p>8 an issue I will try to clarify it</p> <p>9 at that time. Thank you.</p> <p>10 BY MS. O'DELL:</p> <p>11 Q. Also, today I'll refer to</p> <p>12 talcum powder products. And, Mr. Hicks,</p> <p>13 I would just like an agreement, when I</p> <p>14 say talcum powder products I mean Baby</p> <p>15 Powder and Shower to Shower; is that --</p> <p>16 is that fair?</p> <p>17 A. That is fair, yes.</p> <p>18 Q. Okay, great. Now, in the</p> <p>19 notice itself, if you'll have it in front</p> <p>20 of you, sir, it doesn't matter which one</p> <p>21 you look at, Exhibit 1 or Exhibit 2. If</p> <p>22 you'll turn to Page 11 of the notice,</p> <p>23 there were some instructions provided.</p> <p>24 Have you seen these</p>	<p>1 disclose the substance of the</p> <p>2 discussions, but you can talk</p> <p>3 generally about what it is that</p> <p>4 you did.</p> <p>5 THE WITNESS: Understood.</p> <p>6 BY MS. O'DELL:</p> <p>7 Q. You may continue, sir.</p> <p>8 A. So -- so we did meet. We</p> <p>9 reviewed various documents that are</p> <p>10 germane to this particular case. And had</p> <p>11 some discussion about how the deposition</p> <p>12 would go.</p> <p>13 MS. ECHTMAN: Okay. Thank</p> <p>14 you.</p> <p>15 BY MS. O'DELL:</p> <p>16 Q. How many times did you meet</p> <p>17 with counsel?</p> <p>18 A. I don't recall the exact</p> <p>19 number. There was multiple -- multiple</p> <p>20 days. I would have to look at my records</p> <p>21 to have an exact number of meetings that</p> <p>22 we had in this topic.</p> <p>23 Q. Was it more than five or</p> <p>24 less than five meetings to prepare for</p>
Page 23	Page 25
<p>1 instructions?</p> <p>2 A. Yes, I have. I have read</p> <p>3 this document.</p> <p>4 Q. Great. Counsel provided me</p> <p>5 a copy of your curriculum vitae. So I</p> <p>6 have that.</p> <p>7 Did you bring with you</p> <p>8 copies of the documents you reviewed or</p> <p>9 read in preparation for your deposition?</p> <p>10 A. I did not personally bring</p> <p>11 them.</p> <p>12 Q. Okay. What doc -- did you</p> <p>13 review documents in preparation for your</p> <p>14 deposition?</p> <p>15 A. Yes, I did.</p> <p>16 Q. Let me just back up and ask</p> <p>17 you a broader question. What did you do</p> <p>18 to prepare for your deposition here</p> <p>19 today?</p> <p>20 A. I met with the Orrick legal</p> <p>21 team. We did review a number of</p> <p>22 documents and we talked about --</p> <p>23 MS. ECHTMAN: I'm just going</p> <p>24 to caution the witness not to</p>	<p>1 your deposition?</p> <p>2 A. I think it was approximately</p> <p>3 five. Again, I can't indicate the exact</p> <p>4 number of days that we met without</p> <p>5 looking at some --</p> <p>6 Q. Over --</p> <p>7 A. -- calendar history.</p> <p>8 Q. Excuse me. Over what time</p> <p>9 period did these meetings occur?</p> <p>10 A. These meetings occurred in</p> <p>11 the June time period.</p> <p>12 Q. How long on average were</p> <p>13 these five meetings that you had with</p> <p>14 counsel?</p> <p>15 A. Typically a meeting day</p> <p>16 would last approximately six hours of</p> <p>17 discussion time.</p> <p>18 Q. And did I understand that</p> <p>19 these meetings occurred in June of this</p> <p>20 year?</p> <p>21 A. To the best of my</p> <p>22 recollection yes.</p> <p>23 Q. How many times have you met</p> <p>24 with Johnson &amp; Johnson counsel since</p>

7 (Pages 22 to 25)

Donald Hicks

Page 26	Page 28
<p>1 January of this year? So since January 2 of 2018 into the present time, how many 3 times have you met with plaintiffs -- I 4 mean defense counsel? 5 A. I don't really recall the 6 number of days that we met. 7 Q. Can you give me an estimate. 8 A. I would say the total number 9 of days is in the area of about eight to 10 nine days. 11 Q. As I understand it, you met 12 with counsel for Johnson &amp; Johnson 13 approximately five times in preparation 14 for your deposition here today, and those 15 meetings occurred in June. And you met 16 with Johnson &amp; Johnson somewhere in the 17 neighborhood of four times, other than 18 then the specific meetings in June. When 19 did those meetings occur? 20 A. Those meetings would have 21 occurred in January. And I believe that 22 there may have been some meetings in late 23 May. 24 Q. Are you being paid for your</p>	<p>1 other preparation in relation to relation 2 to the talcum powder litigation? 3 A. As indicated it would be the 4 approximately five days for talc 5 litigation -- talc litigation in this 6 case. 7 There were a number of 8 meetings in January, as I indicated 9 previously where we met for a -- for 10 another case. 11 Q. A case that also involved 12 talcum powder products? 13 A. Yes, it did. 14 Q. Are there any other terms to 15 your arrangement with Johnson &amp; Johnson 16 to provide testimony besides the amount 17 that you're being paid per hour? 18 MS. ECHTMAN: Objection. 19 BY MS. O'DELL: 20 Q. You may answer. 21 A. Can you provide more 22 information? I'm not exactly sure what 23 you're referring to. 24 Q. Well, you're certainly</p>
Page 27	Page 29
<p>1 testimony here today? 2 MS. ECHTMAN: Objection to 3 the characterization. 4 MS. O'DELL: Well, let me 5 say -- I'll just rephrase it. 6 BY MS. O'DELL: 7 Q. I mean, are you being paid 8 for your time to be here today to testify 9 on behalf of Johnson &amp; Johnson? 10 A. Yes, I am. 11 Q. And what's the rate of your 12 compensation? 13 A. It is discussed to be 14 approximately \$200 per hour. 15 Q. And do you have a contract 16 documenting your compensation arrangement 17 with either Johnson &amp; Johnson or counsel 18 for Johnson &amp; Johnson? 19 A. I do not. It was a verbal 20 agreement. 21 Q. Okay. Have you been paid? 22 A. I have not. 23 Q. Approximately how many hours 24 have you spent in either meetings or in</p>	<p>1 familiar with contracts, aren't you, 2 Mr. Hicks? 3 A. Yes, I am. 4 Q. And they have multiple terms 5 typically, true? 6 A. That is true. 7 Q. Yes. And so we talked about 8 the amount that you're being paid per 9 hour. And you've testified that you are 10 being paid \$200 per hour. And my 11 question is, are there any other terms 12 related to your agreement with Johnson &amp; 13 Johnson besides the amount that you're 14 being paid per hour? 15 MS. ECHTMAN: Objection. 16 THE WITNESS: No, there is 17 not. May I just, from a record 18 point of view, indicate that for 19 the Ratcliff case, which the 20 deposition was taken in January, I 21 was not paid at that time for that 22 particular testimony. 23 BY MS. O'DELL: 24 Q. But you've been paid for</p>

8 (Pages 26 to 29)

Donald Hicks

Page 30	Page 32
<p>1 other meetings in January and for your 2 meetings since that time, and you are 3 being paid for your testimony here today? 4 MS. ECHTMAN: Objection to 5 the characterization of being paid 6 for testimony. 7 THE WITNESS: For -- 8 beginning with this particular 9 case, yes, there's a verbal 10 agreement that there would be 11 compensation. For the January 12 work, there was no agreement at 13 that point. 14 (Document marked for 15 identification as Exhibit 16 Hicks-3.) 17 BY MS. O'DELL: 18 Q. Let me pass to you what I'm 19 marking as Exhibit Number 3, Mr. Hicks -- 20 thank you -- which is a copy of your -- 21 A. Are you finished with these? 22 Q. Yes, sir. You may put that 23 aside. 24 A. Thank you.</p>	<p>1 A. I have had phone 2 conversations with members of Johnson &amp; 3 Johnson, yes. 4 Q. And who have you spoken 5 with? 6 A. Susan Nicholson. Dr. Susan 7 Nicholson. 8 Q. When did you speak with 9 Dr. Nicholson? 10 A. It was the end of May, 11 beginning of June. 12 Q. How many times have you 13 spoken with Dr. Nicholson about your 14 participation in this case? 15 A. Just a brief conversation, 16 once. 17 Q. What did you discuss? 18 MS. ECHTMAN: Objection. 19 Just caution the witness not to 20 disclose any privileged 21 information with those 22 discussions. But factual 23 information is fine. 24 MS. O'DELL: Well, the</p>
Page 31	Page 33
<p>1 Q. I've handed to you a copy of 2 the curriculum vitae that was provided to 3 us. 4 Is this an up-to-date 5 curriculum vitae? 6 A. It is up-to-date. Yes. 7 Q. Mr. Hicks, a couple more 8 questions before I ask you about your CV. 9 Did you speak with anyone at 10 either Johnson &amp; Johnson or Johnson &amp; 11 Johnson Consumer, Inc. about your 12 testimony here today? 13 A. Discussions relative to 14 testimony were through the Orrick legal 15 team. 16 Q. Did you speak privately with 17 any employee of Johnson &amp; Johnson or its 18 subsidiaries? 19 MS. ECHTMAN: Objection. 20 THE WITNESS: In terms of? 21 BY MS. O'DELL: 22 Q. In relation to your 23 preparation or participation in your 24 deposition today?</p>	<p>1 discussions are not protected by 2 the attorney/client privilege. So 3 I'm entitled to ask him about what 4 they discussed. 5 MS. ECHTMAN: As long as he 6 did not communicate 7 attorney/client privileged 8 information. 9 MS. O'DELL: I'm entitled to 10 know what you discussed. 11 BY MS. O'DELL: 12 Q. I'm assuming you discussed 13 the facts of this case, true? 14 A. Depends what you mean to 15 relative to facts, of course. She was 16 looking for some background information 17 relative to how talc was generally 18 managed. 19 Q. And what do you mean by 20 managed? 21 A. Managed from a -- where it 22 came from, how it was processed, the 23 types of testing that was performed. 24 Q. Was Dr. Nicholson at your</p>

Donald Hicks

Page 34	Page 36
<p>1 meetings with counsel for Johnson &amp; 2 Johnson? 3 A. No. 4 Q. Did you speak with any other 5 employees regarding the topics that 6 you're here to testify about today? 7 A. Relative to this case, no. 8 Q. Did you speak with them 9 about any other talcum powder related 10 cases? 11 A. I have not. 12 Q. Were there any other 13 employees -- excuse me -- strike that. 14 Were there any employees of 15 Johnson &amp; Johnson present at your 16 meetings with counsel in preparation for 17 your deposition? 18 A. No. 19 Q. Did you ask for any 20 documentation or information from Johnson 21 &amp; Johnson to prepare for your testimony 22 here today? 23 A. I did not ask for any 24 documentation.</p>	<p>1 Dr. Nicholson about your involvement in 2 this case? 3 A. I did not. The conversation 4 we had was a live phone call 5 conversation. 6 Q. Now, when you retired from 7 Johnson &amp; Johnson, what was your 8 position? 9 A. I was senior director of 10 quality assurance for the consumer 11 division of Johnson &amp; Johnson. 12 Q. And did your 13 responsibilities include North America 14 plus global responsibilities? 15 A. I had responsibility 16 primarily for the North America and U.S. 17 operation relative to the quality of baby 18 products in general. 19 However, I was also assigned 20 responsibility for handling questions 21 regarding baby products around the globe 22 and would interact with my peers on a 23 global basis if needed. 24 Q. And just so the record is</p>
Page 35	Page 37
<p>1 Q. Now, you are a former 2 long-time employee of Johnson &amp; Johnson? 3 A. That's correct. 42 years. 4 Q. You began your career at 5 Johnson &amp; Johnson in 1974? 6 A. That is correct. 7 Q. And as I understand it, you 8 retired last year? 9 A. In March of 2017, correct. 10 Q. Did you maintain in your 11 personal files documents pertinent to the 12 testimony you're providing here today? 13 A. No, I did not. 14 Q. I'm going to ask you about 15 telephone conversations and meetings, but 16 let me broaden the communications just 17 for a moment. 18 Did you have any e-mail 19 communications or texting communications 20 with any employee of Johnson &amp; Johnson 21 pertaining to your participation in this 22 case? 23 A. I did not. 24 Q. Did you e-mail with</p>	<p>1 clear, when you refer to baby products, 2 are you also referring to Shower to 3 Shower in addition to Baby Powder? 4 A. That's correct, although 5 Shower to Shower, of course, you're 6 probably aware that it was sold to 7 another company. So for most of my time 8 and involvement with the baby line it was 9 focused on Baby Powder and other baby 10 products and not Shower to Shower. I am 11 aware of Shower to Shower, but it was not 12 directly under my responsibility for very 13 long. 14 Q. What period of time -- so 15 I'm understanding your testimony, what 16 period of time were you responsible for 17 Shower to Shower? 18 A. So if we look at the time 19 period beginning in 2006 through the 20 point at which it was sold and I don't 21 have that date in front of me -- yeah, I 22 don't recall the actual date that it was 23 sold. 24 Q. Mr. Hicks, let me talk to</p>

10 (Pages 34 to 37)

Donald Hicks

<p style="text-align: right;">Page 38</p> <p>1 you about your educational background and</p> <p>2 training. Don't mean to spend time, but</p> <p>3 I need to understand what you're trained</p> <p>4 for and what your education was focused</p> <p>5 on and what you've not had training in.</p> <p>6 You have a BS in chemistry?</p> <p>7 A. I do, yes.</p> <p>8 Q. You do not have a</p> <p>9 postgraduate degree?</p> <p>10 A. I do not.</p> <p>11 Q. You're not a medical doctor?</p> <p>12 A. That is correct.</p> <p>13 Q. You are not a geologist?</p> <p>14 A. That is correct.</p> <p>15 Q. Nor are you a mineralogist?</p> <p>16 A. That is correct.</p> <p>17 Q. You are not an industrial</p> <p>18 hygienist?</p> <p>19 A. That is correct.</p> <p>20 Q. In regard to testing, you</p> <p>21 have never analyzed a talcum powder</p> <p>22 sample by x-ray diffraction?</p> <p>23 A. That's correct.</p> <p>24 Q. You have never analyzed a</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. And that's scanning electron</p> <p>2 microscopy?</p> <p>3 A. Correct.</p> <p>4 Q. And that's not a discipline</p> <p>5 that you have expertise in?</p> <p>6 A. It's not a discipline that I</p> <p>7 have expertise in in terms of actually</p> <p>8 conducting the test, yes.</p> <p>9 Q. You're not qualified to</p> <p>10 conduct that test, correct?</p> <p>11 A. That is correct.</p> <p>12 Q. You have not published</p> <p>13 papers in any scientific literature</p> <p>14 regarding the testing of talcum powder?</p> <p>15 A. I have not.</p> <p>16 Q. Other than the meetings that</p> <p>17 we've discussed with counsel for J&amp;J and</p> <p>18 the telephone conversation with</p> <p>19 Dr. Nicholson, have you done anything</p> <p>20 else to prepare yourself for your</p> <p>21 testimony here today?</p> <p>22 A. I have not.</p> <p>23 Q. Mr. Hicks, I understand that</p> <p>24 you have formed a consulting firm called</p>
<p style="text-align: right;">Page 39</p> <p>1 talcum powder sample by polarized light</p> <p>2 microscopy?</p> <p>3 A. Correct.</p> <p>4 Q. You have never analyzed a</p> <p>5 talcum powder sample using what's called</p> <p>6 TEM?</p> <p>7 A. That is correct.</p> <p>8 Q. You are not qualified to</p> <p>9 analyze a sample using TEM, correct?</p> <p>10 A. That is correct.</p> <p>11 Q. You have not analyzed a</p> <p>12 sample of talcum powder by selected area</p> <p>13 electron diffraction?</p> <p>14 A. That is correct.</p> <p>15 Q. That's often referred to as</p> <p>16 SAED, correct?</p> <p>17 A. Yes, it is.</p> <p>18 Q. That's not something that</p> <p>19 you have expertise in?</p> <p>20 A. It is not.</p> <p>21 Q. By the same token you have</p> <p>22 not analyzed a talcum powder sample by</p> <p>23 SEM?</p> <p>24 A. That's correct.</p>	<p style="text-align: right;">Page 41</p> <p>1 DLH; is that correct?</p> <p>2 A. It's DLH Quality and</p> <p>3 Compliance Consulting. That is correct.</p> <p>4 Q. Sorry. I didn't mean to cut</p> <p>5 off the name of the company.</p> <p>6 Are you actively consulting</p> <p>7 with individuals now on quality control</p> <p>8 and quality assurance?</p> <p>9 A. I have done some very</p> <p>10 limited consulting work for some</p> <p>11 companies who are not Johnson &amp; Johnson.</p> <p>12 Q. Are they in the cosmetic</p> <p>13 industry?</p> <p>14 A. They are in the cosmetic</p> <p>15 industry, yes.</p> <p>16 Q. And what are the names of</p> <p>17 those companies?</p> <p>18 A. It was Cosmetic Essence</p> <p>19 Innovations, and a company called OceanX</p> <p>20 which is a fulfillment sector business.</p> <p>21 Q. And what type of products</p> <p>22 does Cosmetic Essence manufacture or</p> <p>23 market?</p> <p>24 A. Primarily it's cosmetic</p>

11 (Pages 38 to 41)

Donald Hicks

Page 42	Page 44
<p>1 products, creams, lotions typically.</p> <p>2 Q. Are you actively consulting</p> <p>3 for them?</p> <p>4 A. I am not actively consulting</p> <p>5 for them at this point. Our contract has</p> <p>6 been completed and there's no further</p> <p>7 work planned at this point.</p> <p>8 Q. You said Ocean -- Ocean</p> <p>9 company?</p> <p>10 A. OceanX. Ocean with an X at</p> <p>11 the end.</p> <p>12 Q. Okay. And what type of</p> <p>13 company are they?</p> <p>14 A. They are a fulfillment</p> <p>15 center where a consumer would call, place</p> <p>16 an order, and they would get filled.</p> <p>17 That order would then get filled, shipped</p> <p>18 to the consumer.</p> <p>19 Q. Is your work with ocean X</p> <p>20 ongoing?</p> <p>21 A. No. It is also complete at</p> <p>22 this point.</p> <p>23 Q. Mr. Hicks, would you agree</p> <p>24 with me that Johnson &amp; Johnson is</p>	<p>1 ensuring that the processes are in place</p> <p>2 within the companies to ensure that its</p> <p>3 talcum powder products are safe?</p> <p>4 A. I would agree with that,</p> <p>5 yes.</p> <p>6 Q. Would you agree, Mr. Hicks,</p> <p>7 that asbestos can cause cancer in humans?</p> <p>8 MS. ECHTMAN: Objection.</p> <p>9 Outside the scope. And if he can</p> <p>10 answer, he can do it in his</p> <p>11 personal capacity.</p> <p>12 THE WITNESS: It is really</p> <p>13 outside of my scope in terms of</p> <p>14 being able to answer that.</p> <p>15 BY MS. O'DELL:</p> <p>16 Q. As a quality assurance</p> <p>17 witness here today to speak on behalf of</p> <p>18 Johnson &amp; Johnson and Johnson &amp; Johnson</p> <p>19 Consumer, Inc., who had 40-some-odd years</p> <p>20 with J&amp;J, you are not willing to say that</p> <p>21 asbestos is capable of causing cancer?</p> <p>22 That's outside of your expertise?</p> <p>23 MS. ECHTMAN: Objection.</p> <p>24 It's outside of the scope of the</p>
Page 43	Page 45
<p>1 responsible for ensuring that its talcum</p> <p>2 powder products are safe?</p> <p>3 A. Yes, I do agree with that.</p> <p>4 Q. Do you agree with me that</p> <p>5 Johnson &amp; Johnson, from 2006 to the</p> <p>6 present day, has a zero tolerance for</p> <p>7 asbestos in its Baby Powder products?</p> <p>8 A. I would agree with that,</p> <p>9 yes.</p> <p>10 Q. I'll say it a little</p> <p>11 differently. Johnson &amp; Johnson has a</p> <p>12 zero tolerance policy for asbestos in its</p> <p>13 talcum powder products?</p> <p>14 A. That is correct.</p> <p>15 Q. I spent some time on the</p> <p>16 Johnson &amp; Johnson website in looking at</p> <p>17 various principles that Johnson &amp; Johnson</p> <p>18 espouses. And would you agree with me</p> <p>19 that Johnson &amp; Johnson is committed to</p> <p>20 good manufacturing practices in its</p> <p>21 talcum powder products?</p> <p>22 A. Yes, I do.</p> <p>23 Q. Would you agree that</p> <p>24 Johnson &amp; Johnson is responsible for</p>	<p>1 topics that Mr. Hicks has been</p> <p>2 designated on. And I think we</p> <p>3 already established that he is not</p> <p>4 a medical doctor or toxicologist.</p> <p>5 But I'll allow him to answer the</p> <p>6 question in his personal capacity.</p> <p>7 MS. O'DELL: Well, Mr. --</p> <p>8 let me just speak to the</p> <p>9 objection.</p> <p>10 Mr. Hicks is here today to</p> <p>11 talk about the testing protocols</p> <p>12 that were employed for the talcum</p> <p>13 powder products which included</p> <p>14 asbestos. So it's well within the</p> <p>15 scope of his testimony to ask him,</p> <p>16 is asbestos a dangerous compound</p> <p>17 that causes cancer.</p> <p>18 MS. ECHTMAN: So objection.</p> <p>19 It is outside the scope. What</p> <p>20 asbestos can and cannot cause and</p> <p>21 under what circumstances, is</p> <p>22 outside the scope. He can talk</p> <p>23 about the testing within the scope</p> <p>24 for asbestos. But what asbestos</p>

12 (Pages 42 to 45)

Donald Hicks

<p style="text-align: right;">Page 46</p> <p>1 can and cannot do, he's not a 2 medical doctor or toxicologist. 3 But I'll allow him to answer the 4 question in his personal capacity. 5 THE WITNESS: I am aware 6 that asbestos can cause 7 mesothelioma. 8 BY MS. O'DELL: 9 Q. Is mesothelioma a type of 10 cancer? 11 MS. ECHTMAN: Objection. He 12 can answer in his personal 13 capacity. 14 THE WITNESS: As I said, I'm 15 not a medical professional. And I 16 would leave that discussion to 17 them. 18 BY MS. O'DELL: 19 Q. As a quality assurance 20 professional person at Johnson &amp; Johnson 21 who served as the senior director of 22 quality assurance, was your job to ensure 23 that there were procedures in place to 24 prevent dangerous contaminants from being</p>	<p style="text-align: right;">Page 48</p> <p>1 scope. I'll allow Mr. Hicks to 2 answer in his personal capacity if 3 he can. 4 THE WITNESS: Also the same 5 response, I'm not able to answer 6 the question. 7 BY MS. O'DELL: 8 Q. You don't know one way or 9 the other? 10 MS. ECHTMAN: Same 11 objection. 12 THE WITNESS: I don't know 13 enough about the details to be 14 able to provide a meaningful 15 answer. 16 BY MS. O'DELL: 17 Q. Are you aware, Mr. Hicks -- 18 and I'm asking you this in your capacity 19 as a corporate representative here for 20 Johnson &amp; Johnson that chromium has been 21 determined to cause cancer in humans? 22 MS. ECHTMAN: Objection as 23 outside the scope, and I will 24 allow Mr. Hicks to answer in his</p>
<p style="text-align: right;">Page 47</p> <p>1 in talcum powder products? 2 A. It was my responsibility to 3 have oversight of the individuals working 4 on those -- in those areas. 5 Q. So the answer to my question 6 is yes? 7 A. Yes. 8 Q. Mr. Hicks, would you agree 9 with me that arsenic has been evaluated 10 by the World Health Organization and 11 determined to be a compound that 12 causes -- can cause cancer in humans? 13 MS. ECHTMAN: Objection. 14 Outside the scope. I'll allow 15 Mr. Hicks to answer in his 16 personal capacity if he can. 17 THE WITNESS: That's not an 18 area of my expertise, sorry. 19 BY MS. O'DELL: 20 Q. Are you aware that nickel 21 has been determined by the World Health 22 Organization to cause cancer in humans? 23 MS. ECHTMAN: Same 24 objection. It's outside the</p>	<p style="text-align: right;">Page 49</p> <p>1 personal capacity. 2 THE WITNESS: Again, its 3 ability to cause cancer is outside 4 the scope of what I'm able to 5 testify about. 6 BY MS. O'DELL: 7 Q. You do not know whether the 8 World Health Organization has analyzed 9 chromium and exposure of chromium to 10 humans and determined that it can cause 11 cancer? 12 MS. ECHTMAN: Objection. 13 I'll allow Mr. Hicks to answer 14 only in his personal capacity. 15 THE WITNESS: It is not 16 within the area of my expertise. 17 We have toxicologists and medical 18 doctors who work with those 19 topics. 20 BY MS. O'DELL: 21 Q. Have you ever written in a 22 document that nickel can cause cancer? 23 MS. ECHTMAN: Objection. 24 Outside the scope. He can answer</p>

13 (Pages 46 to 49)

Donald Hicks

Page 50	Page 52
<p>1 in his personal capacity.</p> <p>2 THE WITNESS: To the best of</p> <p>3 my recollection, no.</p> <p>4 BY MS. O'DELL:</p> <p>5 Q. Have you seen documents from</p> <p>6 J&amp;J, or J&amp;J employee, or during your time</p> <p>7 as an employee of J&amp;J that discuss the</p> <p>8 dangers of nickel in talcum powder</p> <p>9 products?</p> <p>10 MS. ECHTMAN: Objection. He</p> <p>11 can answer in his personal</p> <p>12 capacity.</p> <p>13 THE WITNESS: I have not</p> <p>14 specifically. Again, the</p> <p>15 toxicologists and the medical</p> <p>16 professionals would be focused on</p> <p>17 those kinds of issues.</p> <p>18 BY MS. O'DELL:</p> <p>19 Q. Have you seen documents that</p> <p>20 discuss the determination of IARC</p> <p>21 regarding the cancer causing propensities</p> <p>22 of asbestos, nickel, arsenic, or</p> <p>23 chromium?</p> <p>24 MS. ECHTMAN: Objection. He</p>	<p>1 2006, at the time, as I understand it,</p> <p>2 you became responsible for talcum powder</p> <p>3 products. What specifications controlled</p> <p>4 talc?</p> <p>5 MS. ECHTMAN: Objection to</p> <p>6 form.</p> <p>7 THE WITNESS: There were raw</p> <p>8 material specifications for talc.</p> <p>9 And those raw materials</p> <p>10 specifications, which were J&amp;J</p> <p>11 documents, defined the</p> <p>12 requirements for talc.</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. Well, what raw material</p> <p>15 specification was controlling, if you</p> <p>16 will, when you became responsible for</p> <p>17 Baby Powder and Shower to Shower?</p> <p>18 MS. ECHTMAN: Objection. If</p> <p>19 you'd like to show the witness a</p> <p>20 document.</p> <p>21 MS. O'DELL: He's here to</p> <p>22 testify to specifications. That's</p> <p>23 a clear part of the notice. And</p> <p>24 so I'm asking what specification</p>
Page 51	Page 53
<p>1 can answer in his personal</p> <p>2 capacity.</p> <p>3 THE WITNESS: Relative to</p> <p>4 IARC, that information is really</p> <p>5 communicated to our medical folks,</p> <p>6 to our toxicologists for review.</p> <p>7 I've seen documents that --</p> <p>8 where they may have published or</p> <p>9 had sent around. It's not really</p> <p>10 within my area of expertise, and I</p> <p>11 don't really recall any specifics.</p> <p>12 BY MS. O'DELL:</p> <p>13 Q. You certainly remember</p> <p>14 documents from your time at J&amp;J that</p> <p>15 discuss the danger of asbestos being in</p> <p>16 talcum powder products?</p> <p>17 MS. ECHTMAN: Objection to</p> <p>18 form.</p> <p>19 THE WITNESS: I certainly</p> <p>20 recall having discussions about</p> <p>21 asbestos and its hazard, and, yes,</p> <p>22 I do recall those.</p> <p>23 BY MS. O'DELL:</p> <p>24 Q. Mr. Hicks, beginning in</p>	<p>1 was controlling. It's a very good</p> <p>2 question. It's very well within</p> <p>3 the scope. So I'd like an answer.</p> <p>4 MS. ECHTMAN: Well, I just</p> <p>5 have an objection.</p> <p>6 BY MS. O'DELL:</p> <p>7 Q. What specification was</p> <p>8 controlling when you became responsible</p> <p>9 for talcum powder products?</p> <p>10 MS. ECHTMAN: Objection.</p> <p>11 Overly broad and vague, and this</p> <p>12 is also not a memory test. If</p> <p>13 you'd like to show the witness a</p> <p>14 document, that would probably be</p> <p>15 more helpful.</p> <p>16 MS. O'DELL: The witness</p> <p>17 spent five days all day preparing</p> <p>18 for his deposition on a very</p> <p>19 limited number of topics. And I'm</p> <p>20 sure you discussed specifications.</p> <p>21 BY MS. O'DELL:</p> <p>22 Q. I'm asking you if you</p> <p>23 remember.</p> <p>24 Do you know what</p>

14 (Pages 50 to 53)

Donald Hicks

Page 54	Page 56
<p>1 specification was controlling in 2006?</p> <p>2 A. There is a raw materials</p> <p>3 specification for talc, which was in</p> <p>4 effect in 2006.</p> <p>5 Q. Do you know what it was?</p> <p>6 A. The specific number and</p> <p>7 version history, I don't recall that</p> <p>8 offhand. I would have to look at the</p> <p>9 document.</p> <p>10 (Document marked for</p> <p>11 identification as Exhibit</p> <p>12 Hicks-4.)</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. Let me show you what I'm</p> <p>15 marking as Exhibit 4. Do you recognize</p> <p>16 this document?</p> <p>17 A. Yes, I do.</p> <p>18 Q. Is this a document that was</p> <p>19 produced by Johnson &amp; Johnson?</p> <p>20 A. It is.</p> <p>21 Q. The title is "RM 08031 talc</p> <p>22 Grade 25 USP." Is that correct?</p> <p>23 A. That's correct. However, I</p> <p>24 would add in that it's Revision 7, just</p>	<p>1 2006 until your retirement?</p> <p>2 A. It was not.</p> <p>3 Q. At some point was the raw</p> <p>4 material specification changed?</p> <p>5 A. It was changed, and that's</p> <p>6 in the time frame of 2009.</p> <p>7 Q. Do you have any reason to</p> <p>8 believe that Raw Material 8031 was not in</p> <p>9 effect until -- from 2005 until it was --</p> <p>10 the change you've mentioned in 2009?</p> <p>11 A. It may have been. These</p> <p>12 documents often get revised. I'm not</p> <p>13 sure whether there are any subsequent</p> <p>14 revisions between 2005 and 2009. There</p> <p>15 may have been.</p> <p>16 Q. And as you're sitting here</p> <p>17 today, you do not know what the</p> <p>18 specifications were that were controlling</p> <p>19 from 2006 until 2009?</p> <p>20 A. Well, I can say that it was</p> <p>21 RM 08031. I just can't say that this is</p> <p>22 the latest version that covered that time</p> <p>23 period.</p> <p>24 Q. Do you have any reason to</p>
Page 55	Page 57
<p>1 so we're clear with this document.</p> <p>2 Q. Was this document produced</p> <p>3 and maintained in the regular course of</p> <p>4 business?</p> <p>5 A. It was, yes.</p> <p>6 Q. The -- is this the</p> <p>7 specification that was in effect when you</p> <p>8 became responsible for talcum powder</p> <p>9 products?</p> <p>10 A. I cannot say for sure that</p> <p>11 this exact revision was the one that was</p> <p>12 in effect in 2006. The issue date on</p> <p>13 this is 2005. So it's not clear, was</p> <p>14 there a change between April of 2005 and</p> <p>15 2006.</p> <p>16 Q. You don't know?</p> <p>17 A. I do not recall.</p> <p>18 Q. Was there a point in time</p> <p>19 when Raw Material 8031 was made obsolete?</p> <p>20 Do you know?</p> <p>21 Let me ask you this</p> <p>22 question, sorry.</p> <p>23 Was Raw Material 8031 in</p> <p>24 effect in one version or another from</p>	<p>1 believe that it was materially changed --</p> <p>2 excuse me, that RM 08031 was materially</p> <p>3 changed from 2005 till 2009?</p> <p>4 A. It's very possible. The</p> <p>5 names of companies change. The inventory</p> <p>6 identification numbers change. There are</p> <p>7 many reasons why you might update this</p> <p>8 particular spec in that time period.</p> <p>9 Q. Let me ask you a question</p> <p>10 about talc grade 25. In -- where was</p> <p>11 talc grade 25 sourced? Where did it come</p> <p>12 from?</p> <p>13 A. So our supplier was Imerys,</p> <p>14 and they milled the talc in Houston,</p> <p>15 Texas.</p> <p>16 Q. Where was the talc mined?</p> <p>17 A. The talc mine is in southern</p> <p>18 China.</p> <p>19 Q. Let me ask you to look at</p> <p>20 Page 10 of 18 of Exhibit Number 4. Do</p> <p>21 you see under Paragraph 6, acceptance?</p> <p>22 A. Yes, I do.</p> <p>23 Q. And the paragraph, Paragraph</p> <p>24 Number 2, it says, "The following Chinese</p>

15 (Pages 54 to 57)

Donald Hicks

<p style="text-align: right;">Page 58</p> <p>1 mines and deposits are currently 2 considered approved to provide ore for 3 processing in grade 25/Guangxi Number 2a 4 talc." How would you pronounce the next 5 word? Guiguang? 6 A. That's correct. It's very 7 close. 8 Q. And there's a Zhizhuo quarry 9 and Longguang Guping quarry, and a Huamei 10 underground mine, Shang Lang quarry, 11 Tongzi quarry, all in the Longsheng 12 County, Guangxi Province of China. 13 Do you see that? 14 A. Yes, I do. 15 Q. Was Baby Powder and Shower 16 to Shower sourced from all of those 17 mines? 18 A. During that specific time 19 period from 2006 to 2017, my knowledge is 20 that all of these mines were not used, 21 and that there were primary mines, being 22 the Guangxi mine. 23 Q. So it's your understanding 24 throughout the time period 2006 to 2017</p>	<p style="text-align: right;">Page 60</p> <p>1 MS. ECHTMAN: I'm sorry. 2 Can I ask for a clarification? 3 When you're talking about Page 6, 4 there's two sets of numbers on the 5 page. 6 MS. O'DELL: I'm using the 7 lower one. 8 MS. ECHTMAN: Page 6 of 18? 9 MS. O'DELL: Yes. 10 MS. ECHTMAN: Thanks. 11 BY MS. O'DELL: 12 Q. Mr. Hicks, you -- 13 approximately how much talc was shipped 14 to Houston from China on a monthly basis 15 for use in talcum powder products? 16 MS. ECHTMAN: Objection. 17 You can answer. 18 THE WITNESS: From my 19 perspective it was in multiple 20 tons. The exact tonnage, I don't 21 recall. 22 BY MS. O'DELL: 23 Q. And we are talking thousands 24 of tons on a monthly basis, correct?</p>
<p style="text-align: right;">Page 59</p> <p>1 that Guangxi was the mine from which talc 2 was extracted for purposes of supplying 3 Johnson &amp; Johnson with talc for its Baby 4 Powder and Shower to Shower products? 5 A. That's my understanding, 6 yes. 7 Q. I'm going to ask you about 8 the testing that was part of the 9 specification, Mr. Hicks. But I think 10 one of the things you have to consider 11 when you are testing is the amount of 12 product that you're dealing with. 13 One of my colleagues is 14 going to talk with you about sampling at 15 some point over the next two days. I'm 16 not going to speak to that topic. But I 17 do think it's helpful to understand sort 18 of the amount of material that's being 19 dealt with. 20 So if you look at Page 6 of 21 this document, it appears that -- well, 22 let me say 3.2 discusses bulk density. 23 Do you see that on Page 6? 24 A. Yes, I do.</p>	<p style="text-align: right;">Page 61</p> <p>1 MS. ECHTMAN: Objection. 2 THE WITNESS: I could only 3 speculate on that. 4 BY MS. O'DELL: 5 Q. During the 2006 to 2017 time 6 frame, multiple rail cars per month were 7 shipped from Houston to PTI Royston, the 8 bottling company, correct? 9 A. That is correct. 10 Q. And those rail cars had the 11 capacity for 60-plus tons of material, 12 true? 13 A. I don't recall the tonnage 14 that a rail car can hold at this 15 juncture. 16 Q. But that -- but would it be 17 fair to say, looking at this, that if the 18 average bag of material in a rail car, 19 according to this document, was 20 25 pounds -- do you see that, per cubic 21 foot? 22 A. Yes. 23 Q. And I'm no expert on rail 24 cars. But I -- Google is a terrific</p>

16 (Pages 58 to 61)

Donald Hicks

Page 62	Page 64
<p>1 thing. And I looked up CSX. And a 2 50-foot rail car has 100 -- excuse me -- 3 5,238 cubic feet. Does that sound fair? 4 MS. ECHTMAN: Objection. 5 THE WITNESS: I would have 6 to defer to you on the -- 7 BY MS. O'DELL: 8 Q. But you wouldn't disagree 9 with me on that -- that point, would you? 10 A. I'm not disagreeing or 11 agreeing. 12 Q. Okay. And if I did the math 13 correct, which is always a question mark, 14 if a bag weighs 25 pounds per cubic feet 15 and you've got over 5,000 cubic feet in a 16 rail car that's more than, let's see, 17 125,000 pounds per rail car, true? 18 MS. ECHTMAN: Objection. 19 I'll let Mr. Hicks answer in his 20 personal capacity if he can do the 21 math. 22 THE WITNESS: I can't do the 23 math in my head. I'll let you do 24 the math.</p>	<p>1 A. I do. 2 Q. And what's the purpose of a 3 certificate of analysis? 4 A. It provides a summary of the 5 testing that was performed by -- usually 6 in this case it would be by the supplier. 7 Q. And the certificate of 8 analysis is a document that records the 9 testing that is required by Johnson &amp; 10 Johnson, true? 11 A. That's correct. 12 Q. And according to this 13 specification, RM 08031, Johnson &amp; 14 Johnson required testing for particle 15 size? 16 A. Correct. 17 Q. Testing for density? 18 A. Yes. 19 Q. Color, of course? 20 A. Yes. 21 Q. Johnson &amp; Johnson required a 22 certain whiteness of the talc in order 23 for it to be acceptable? 24 A. Yes.</p>
Page 63	Page 65
<p>1 BY MS. O'DELL: 2 Q. All right. So 5,000 by 25, 3 125,000? 4 MS. ECHTMAN: Objection. 5 BY MS. O'DELL: 6 Q. Does that sound fair? 7 A. In the neighborhood, yes. 8 Q. Okay. So 125,000 pounds 9 roughly per rail car, and multiple rail 10 cars per month were being transported of 11 talc from Houston to Royston on a monthly 12 basis? 13 MS. ECHTMAN: Objection. 14 Foundation. 15 BY MS. O'DELL: 16 Q. True? 17 A. Multiple rail cars were 18 being delivered to the Royston, Georgia 19 facility. 20 Q. Let me ask you to back up 21 one page in this document to Page 5 of 22 18. You'll see 3.0 is entitled 23 certificate of analysis. Do you see 24 that, sir?</p>	<p>1 Q. There was a requirement that 2 talc be tested for arsenic levels? 3 A. Yes. 4 Q. The reason that arsenic was 5 tested was to ensure that the levels were 6 below three parts per million? 7 A. Yes, it was. 8 Q. And the reason there was a 9 concern about the level of arsenic is 10 because arsenic is known to be a danger 11 to humans, correct? 12 MS. ECHTMAN: Objection. 13 Outside the scope. I'll allow him 14 to answer in his personal 15 capacity. 16 THE WITNESS: There 17 certainly is a safety concern for 18 arsenic. But I would also point 19 out that arsenic is required to be 20 tested by the United States 21 Pharmacopeia. 22 BY MS. O'DELL: 23 Q. Because it's a danger to 24 humans, correct?</p>

17 (Pages 62 to 65)

Donald Hicks

Page 66	Page 68
<p>1 MS. ECHTMAN: Objection.</p> <p>2 Outside the scope. I'll let him</p> <p>3 answer in his personal capacity.</p> <p>4 THE WITNESS: I would agree</p> <p>5 that high levels of arsenic could</p> <p>6 be an issue.</p> <p>7 BY MS. O'DELL:</p> <p>8 Q. And when you mean issue,</p> <p>9 it's a danger to humans, correct?</p> <p>10 A. Correct.</p> <p>11 MS. ECHTMAN: Objection to</p> <p>12 form.</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. Because heavy metals at high</p> <p>15 levels also are a danger to humans, there</p> <p>16 was a requirement that the talc be tested</p> <p>17 for heavy metals, correct?</p> <p>18 MS. ECHTMAN: Objection.</p> <p>19 You can answer in your</p> <p>20 personal capacity.</p> <p>21 THE WITNESS: Yes, that's</p> <p>22 correct. Talc is a natural</p> <p>23 material, and so it was agreed</p> <p>24 that we would do that. We would</p>	<p>1 unique ore lot would be an ore lot that</p> <p>2 was pulled from the mines, set aside for</p> <p>3 Johnson &amp; Johnson and Imerys, and was</p> <p>4 then an ore lot that was put on a ship</p> <p>5 and sent over. That became a unique ore</p> <p>6 lot.</p> <p>7 Q. How large is a unique ore</p> <p>8 lot as it's used in this context?</p> <p>9 A. Again, it's in tons. I</p> <p>10 don't recall the exact number.</p> <p>11 Q. It says, "A certificate of</p> <p>12 analysis labeled initial ore results</p> <p>13 after grinding will be" -- "will provide</p> <p>14 numerical analytical results."</p> <p>15 When was this certificate of</p> <p>16 analysis provided to J&amp;J in the</p> <p>17 manufacturing process?</p> <p>18 MS. ECHTMAN: Objection to</p> <p>19 form.</p> <p>20 THE WITNESS: So it would be</p> <p>21 provided in advance typically of a</p> <p>22 rail car coming into the Royston,</p> <p>23 Georgia facility.</p> <p>24 BY MS. O'DELL:</p>
Page 67	Page 69
<p>1 do a heavy metals testing in</p> <p>2 addition to those tests that were</p> <p>3 defined by the United States</p> <p>4 Pharmacopeia.</p> <p>5 BY MS. O'DELL:</p> <p>6 Q. There was testing for lead</p> <p>7 because high levels of lead in a product</p> <p>8 can be a danger to humans, correct?</p> <p>9 MS. ECHTMAN: Objection.</p> <p>10 Mr. Hicks can answer in his</p> <p>11 personal capacity.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. Let me ask you to turn to</p> <p>15 Page 7. What was the purpose of the</p> <p>16 certificate of analysis for initial ore</p> <p>17 results?</p> <p>18 A. So that testing -- that C of</p> <p>19 A reflected the testing that was</p> <p>20 performed on a composite sample across</p> <p>21 the ore lot that was received by Imerys.</p> <p>22 Q. What's -- what's meant by a</p> <p>23 unique ore lot?</p> <p>24 A. My understanding is that a</p>	<p>1 Q. In this specification, 3.14</p> <p>2 and 3.15, do those contain the testing</p> <p>3 methods for asbestos that were</p> <p>4 controlling in 2006 to 2009?</p> <p>5 A. Yes. Here it defines the</p> <p>6 testing methods that are to be used.</p> <p>7 Q. And those are the methods</p> <p>8 that were dictated and required by J&amp;J,</p> <p>9 correct?</p> <p>10 A. It was methods that were</p> <p>11 agreed upon between Imerys and Johnson &amp;</p> <p>12 Johnson, yes.</p> <p>13 Q. And J&amp;J required them; that</p> <p>14 was part of the specification, true?</p> <p>15 A. Yes, they did.</p> <p>16 Q. I'm going to ask you about</p> <p>17 those processes in more detail, but</p> <p>18 looking down at the bottom of Page 7 of</p> <p>19 18 of Exhibit 4, there was another</p> <p>20 certificate of analysis labeled, "Yearly</p> <p>21 composite results by atomic absorption or</p> <p>22 equivalent method."</p> <p>23 Do you see that?</p> <p>24 A. Yes, I do.</p>

18 (Pages 66 to 69)

Donald Hicks

Page 70	Page 72
<p>1 Q. What was the purpose of that 2 testing? 3 A. So that testing, the atomic 4 absorption testing typically would be 5 used for a metal determination, for 6 example. 7 Q. And that testing was only 8 required yearly, true? 9 A. For the items listed below 10 that paragraph, yes. 11 Q. Which would be for aluminum, 12 cadmium, and calcium? 13 A. That's correct. 14 Q. Would it also be true 15 that -- if you'll turn over to Page 9, 16 that for chromium, cobalt, copper, 17 manganese -- excuse me -- magnesium, 18 mercury, nickel, arsenic, and lead were 19 only required to be tested on a yearly 20 basis, true? 21 MS. ECHTMAN: Objection to 22 form. 23 THE WITNESS: That was the 24 requirement of this document.</p>	<p>1 BY MS. O'DELL: 2 Q. And that's the only lab that 3 Johnson &amp; Johnson ever engaged to conduct 4 testing on its talcum powder products? 5 MS. ECHTMAN: Objection. 6 THE WITNESS: It's the 7 only -- it's the only lab that I'm 8 aware of, yes. I might just 9 clarify, in a production capacity. 10 BY MS. O'DELL: 11 Q. What do you mean by a 12 production capacity? 13 A. There may have been research 14 and development studies going on for 15 various types of projects prior to that. 16 I would have no knowledge of that. 17 Q. From a quality assurance 18 standpoint, testing talc that had been 19 mined in China and for purposes of use in 20 J&amp;J talcum powder products, the only lab 21 that J&amp;J employed was RJ Lee Group? 22 MS. ECHTMAN: Objection. 23 2006 forward. 24 THE WITNESS: From 2006</p>
Page 71	Page 73
<p>1 Yes. 2 BY MS. O'DELL: 3 Q. Mr. Hicks, from beginning in 4 2006 forward, did Johnson &amp; Johnson 5 employ outside labs to conduct testing? 6 MS. ECHTMAN: Objection to 7 form. 8 THE WITNESS: The time 9 ranges were? Sorry. 10 BY MS. O'DELL: 11 Q. 2006 forward. 12 A. 2006 forward there were -- 13 there was a point at which an independent 14 laboratory was used, yes. 15 Q. Okay. I want to ask you to 16 list for me all the independent labs that 17 Johnson &amp; Johnson employed to conduct 18 tests on its talcum powder products. 19 MS. ECHTMAN: Objection to 20 form. 21 THE WITNESS: The 22 independent lab that was used by 23 Johnson &amp; Johnson was the RJ Lee 24 Group located in Pennsylvania.</p>	<p>1 forward, my understanding is that 2 is correct. 3 BY MS. O'DELL: 4 Q. Okay. You can put that 5 aside. 6 MS. ECHTMAN: Ms. O'Dell, if 7 we're going to move on to another 8 document, can we take a quick 9 hygiene break? 10 MS. O'DELL: Of course. 11 THE VIDEOGRAPHER: The time 12 is now 10:48. Going off the 13 record. 14 (Short break.) 15 THE VIDEOGRAPHER: The time 16 is now 11:00 a.m. back on the 17 record. 18 BY MS. O'DELL: 19 Q. Before the break, Mr. Hicks, 20 we were talking about a raw materials 21 specification for Talc 25. RM 08031, I 22 think, was the specification. 23 And was there a point -- 24 I'll ask it a different way. You told us</p>

19 (Pages 70 to 73)

Donald Hicks

Page 74	Page 76
<p>1 that RM 08031 was in effect till some 2 time in 2009, to the best of your 3 knowledge; is that -- is that accurate? 4 MS. ECHTMAN: Objection. 5 THE WITNESS: So that 6 particular document number was in 7 effect. There were multiple 8 revisions of this document 9 ongoing. As situations change, 10 information needs to be updated. 11 BY MS. O'DELL: 12 Q. And was that specification 13 rendered obsolete and a new specification 14 adopted in 2009 time period? 15 A. That is correct. 16 Q. And what was the number of 17 that new raw materials specification? 18 MS. ECHTMAN: Objection. Do 19 you want to show the witness a 20 document? Or do you want him to 21 give you the number off the top of 22 his head? 23 MS. O'DELL: I want him to 24 tell me what specification. He</p>	<p>1 (Document marked for 2 identification as Exhibit 3 Hicks-5.) 4 BY MS. O'DELL: 5 Q. Let me show you what I'm 6 marking as Exhibit Number 5. 7 Do you recognize this 8 document? 9 A. Yes, I do. 10 Q. Is this the specification 11 that replaced specification RM 08031? 12 A. It is the specification, and 13 we are talking about RM 008967. This 14 happens to be the first revision so there 15 would have been a document prior to this 16 one, a version prior to this one. 17 Q. And this first revision 18 became effective March 24, 2010? 19 A. That is correct. 20 Q. And just to make sure I'm 21 clear, this would have been the 22 controlling raw materials specification 23 for talc to be used in Baby Powder and 24 Shower to Shower products at that time?</p>
Page 75	Page 77
<p>1 obviously has it in his memory 2 because he's referred to it. I 3 want to know what number it is. 4 This is my chance to ask him 5 questions on behalf of Johnson &amp; 6 Johnson, and he's here to talk 7 about the specifications. 8 BY MS. O'DELL: 9 Q. And so Mr. Hicks, the 10 question for you is, do you know what the 11 number of the specification was? 12 A. I don't recall the exact 13 number of that specification. 14 Q. Does the number 8967 ring a 15 bell? 16 MS. ECHTMAN: Objection. 17 THE WITNESS: That may be 18 the correct number. I would have 19 to verify it with the actual 20 document. 21 THE VIDEOGRAPHER: Excuse me 22 one second, Counsel. 23 Can you raise your mic, 24 Mr. Hicks. Thank you.</p>	<p>1 A. That is correct. 2 Q. Okay. So there's not 3 another raw materials specification 4 related to talc that would also have had 5 implications for Baby Powder and Shower 6 to Shower? 7 A. None that I'm aware of, no. 8 Q. Let me ask you to turn to 9 Page 4 of 15. Take a look at 2.0, 10 "Properties and requirements." There's a 11 table. 12 Do you see that, sir? 13 A. Yes, I do. 14 Q. And this table is intended 15 to outline the required test method that 16 should be used for a particular 17 component, true? 18 A. That is correct. 19 Q. And to provide the upper 20 limit of normal for the individual 21 property that's being tested, correct? 22 MS. ECHTMAN: Objection to 23 form. 24 THE WITNESS: That is</p>

20 (Pages 74 to 77)

Donald Hicks

Page 78	Page 80
<p>1 correct.</p> <p>2 BY MS. O'DELL:</p> <p>3 Q. And if you'll turn to the</p> <p>4 next page. The acceptable limit for</p> <p>5 lead, for example, was ten parts per</p> <p>6 million. Am I reading that correctly?</p> <p>7 A. Yes, you are.</p> <p>8 Q. And what does NMT stand for?</p> <p>9 A. Not more than.</p> <p>10 Q. Not more than. And so</p> <p>11 Johnson &amp; Johnson specified that it's</p> <p>12 talc would not have more than ten parts</p> <p>13 per million of lead, correct?</p> <p>14 A. That is correct.</p> <p>15 Q. And similarly Johnson &amp;</p> <p>16 Johnson dictated that its talc should not</p> <p>17 have more than two parts per million of</p> <p>18 aluminum?</p> <p>19 A. That is correct.</p> <p>20 Q. And the maximum amount of</p> <p>21 arsenic that was allowed in its talc,</p> <p>22 according to the specification, was two</p> <p>23 parts per million, correct?</p> <p>24 A. Yes.</p>	<p>1 for -- at Johnson &amp; Johnson for the</p> <p>2 drafting of this raw materials</p> <p>3 specification?</p> <p>4 A. Primary responsibility was</p> <p>5 with the research and development team.</p> <p>6 Q. Did the -- strike that.</p> <p>7 Who in the research and</p> <p>8 development team was primarily</p> <p>9 responsible for raw material</p> <p>10 specifications for talc?</p> <p>11 A. Individual?</p> <p>12 Q. Yes.</p> <p>13 A. At this point in time there</p> <p>14 was a scientist. His name was Curtis</p> <p>15 Lee.</p> <p>16 Q. And so Mr. Lee would have</p> <p>17 had responsibility for developing this</p> <p>18 raw materials specification, true?</p> <p>19 A. In collaboration with both</p> <p>20 Imerys and other members within Johnson &amp;</p> <p>21 Johnson, yes. He was the primary owner</p> <p>22 of the document.</p> <p>23 Q. Were you involved in the</p> <p>24 drafting of these specifications?</p>
Page 79	Page 81
<p>1 Q. The limit of chromium was .5</p> <p>2 part per million, correct?</p> <p>3 A. Yes.</p> <p>4 Q. And the limit of nickel was</p> <p>5 ten parts per million?</p> <p>6 A. Yes.</p> <p>7 Q. Then you'll see 2.33</p> <p>8 addresses asbestos, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And Johnson &amp; Johnson</p> <p>11 required that talc be tested using CTFA</p> <p>12 J4-1, correct?</p> <p>13 A. You had the option of using</p> <p>14 the either current USP method or CTFA</p> <p>15 Method J4-1.</p> <p>16 Q. And in terms of asbestos</p> <p>17 being tested by transmission electron</p> <p>18 microscope, the specific method to be</p> <p>19 employed -- and this was required by J&amp;J,</p> <p>20 was TM, meaning test method, 7024,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. I'll ask you to turn to Page</p> <p>24 8 of 15. Mr. Hicks, who was responsible</p>	<p>1 A. Yes. I was part of the</p> <p>2 team.</p> <p>3 Q. And what input did you have</p> <p>4 in the specification? What was your</p> <p>5 responsibility?</p> <p>6 A. Alignment. Indicating</p> <p>7 that -- reviewing all the information to</p> <p>8 make sure that it was correct from a</p> <p>9 quality and compliance perspective,</p> <p>10 looking at the sampling process, names of</p> <p>11 the companies that were being used, and,</p> <p>12 you know, other related information, such</p> <p>13 as the approved independent testing</p> <p>14 laboratory name, those kinds of topics.</p> <p>15 Q. Looking at Page 8 of 15,</p> <p>16 you'll see the testing frequencies and</p> <p>17 requirements.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Let's go through this table.</p> <p>21 You see Stage I is ore. I'm assuming</p> <p>22 that means that's ore that's being taken</p> <p>23 from the mine in China, correct?</p> <p>24 A. That's correct.</p>

21 (Pages 78 to 81)

Donald Hicks

Page 82	Page 84
<p>1 Q. And who was responsible for</p> <p>2 the testing of the ore while it was at</p> <p>3 the mine in China?</p> <p>4 A. That would be Imerys.</p> <p>5 Q. What responsibility did the</p> <p>6 Chinese mining company have for testing</p> <p>7 the ore while it was at the mine?</p> <p>8 A. They -- they were certainly</p> <p>9 responsible to do testing of their own</p> <p>10 mine. Those records were not sent to us.</p> <p>11 Imerys was doing the testing for</p> <p>12 Johnson &amp; Johnson.</p> <p>13 Q. Did J&amp;J receive certificates</p> <p>14 of analyses from the Chinese mining</p> <p>15 company?</p> <p>16 A. No, they did not.</p> <p>17 Q. So J&amp;J was not copied on</p> <p>18 testing that was performed in China?</p> <p>19 A. That's correct.</p> <p>20 Q. Did J&amp;J dictate the specific</p> <p>21 test that should be done by the mining</p> <p>22 company in China?</p> <p>23 A. No. Imerys dictated those</p> <p>24 requirements based upon the specification</p>	<p>1 A. In 2010, the third party</p> <p>2 manufacturer was Pharmaceutical</p> <p>3 Technologies Incorporated, located in</p> <p>4 Royston, Georgia.</p> <p>5 Q. And in 2010, talc was being</p> <p>6 used for Baby Powder, correct?</p> <p>7 A. That's correct, yes.</p> <p>8 Q. And talc was also being</p> <p>9 purchased by Johnson &amp; Johnson for use in</p> <p>10 Shower to Shower in 2010, correct?</p> <p>11 A. That is correct, yes.</p> <p>12 Q. And the Shower to Shower</p> <p>13 product was not manufactured in Royston,</p> <p>14 Georgia, was it?</p> <p>15 A. It -- some manufacturing was</p> <p>16 occurring in Royston, Georgia to the best</p> <p>17 of my knowledge.</p> <p>18 Q. Was there also manufacturing</p> <p>19 in Union City, Missouri?</p> <p>20 A. There was a very limited</p> <p>21 time frame where a specialized product</p> <p>22 was manufactured in St. Louis. I should</p> <p>23 say specialized Shower to Shower, just to</p> <p>24 be clear.</p>
Page 83	Page 85
<p>1 that we provided to Imerys to evaluate</p> <p>2 talc.</p> <p>3 Q. Let me ask you, in this</p> <p>4 chart, just to make it more clear on the</p> <p>5 record. The supplier, who's the supplier</p> <p>6 that's being referred to in the title on</p> <p>7 Column Number 3?</p> <p>8 A. So the supplier would be the</p> <p>9 supplier who is responsible for procuring</p> <p>10 the ore.</p> <p>11 Q. So who in this -- in the</p> <p>12 context of 2010 when this specification</p> <p>13 was in effect, who was the supplier that</p> <p>14 would have been referred to? Is that</p> <p>15 Imerys or China -- the Chinese mining</p> <p>16 company?</p> <p>17 A. That would -- that would be</p> <p>18 Imerys.</p> <p>19 Q. There is reference here to</p> <p>20 the J&amp;J plant or TPM. What does TPM</p> <p>21 stand for?</p> <p>22 A. Third-party manufacturer.</p> <p>23 Q. Who was the third-party</p> <p>24 manufacturer in 2010?</p>	<p>1 Q. Working through this</p> <p>2 timeline for the ore itself. It says</p> <p>3 under the J&amp;J plant or TPM, third-party</p> <p>4 manufacturing, column, "Ore lot C of A,"</p> <p>5 which is certificate of analysis,</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. "Received and reviewed for</p> <p>9 compliance versus specification."</p> <p>10 Who was the person</p> <p>11 responsible for or the entity responsible</p> <p>12 for receiving the certificate of</p> <p>13 analysis?</p> <p>14 A. It would be the quality unit</p> <p>15 at the manufacturing location for Baby</p> <p>16 Powder and Shower to Shower.</p> <p>17 Q. And that would have been</p> <p>18 Pharma Tech or PTI in Georgia?</p> <p>19 A. That's correct.</p> <p>20 Q. And to the degree that talc</p> <p>21 was being sourced for Shower to Shower</p> <p>22 and manufactured in Missouri, it would</p> <p>23 have been Pharma Tech -- Pharma Tech's</p> <p>24 location in Missouri, correct?</p>

22 (Pages 82 to 85)

Donald Hicks

Page 86	Page 88
<p>1 MS. ECHTMAN: Objection. 2 THE WITNESS: That is 3 correct. 4 BY MS. O'DELL: 5 Q. The certificate of analysis 6 was conveyed to the Pharma Tech separate 7 and apart from the shipment, correct? 8 MS. ECHTMAN: Objection. 9 THE WITNESS: It would have 10 been sent -- it might have been 11 sent electronically. It might 12 have been sent via mail directly 13 to the site. It usually did not 14 accompany the rail car itself. 15 BY MS. O'DELL: 16 Q. Who was responsible for 17 reviewing certificates of analysis? 18 A. At the receiving point it 19 would have been the quality assurance 20 unit. 21 Q. At Pharma Tech? 22 A. At Pharma Tech. 23 Q. Was Johnson &amp; Johnson 24 provided copies of certificates of</p>	<p>1 A. Inter -- yes. An 2 independent lab was used by them and 3 reported on their C of A whenever they 4 used an independent lab. 5 Q. What was the name of that 6 independent lab? 7 A. It was a laboratory called 8 Intertek. 9 Q. And what type of testing did 10 Intertek perform for Imerys? 11 A. Without looking at the C of 12 A, I believe that it was the analysis 13 of -- both the chemical analysis as well 14 as evaluating for asbestos. 15 Q. So when you said a chemical 16 analysis, would it be all of the tests 17 that are listed in the properties and 18 requirements section of this 19 specification, the ones we've talked 20 about previously on Page 5 and -- 4 and 5 21 of this document? 22 MS. ECHTMAN: Objection to 23 form, and this is not a memory 24 test. Go ahead.</p>
Page 87	Page 89
<p>1 analysis as a sort of normal operating 2 practice? 3 A. Not on a routine basis, no. 4 Q. If you look down to the 5 second line of this chart, it talks about 6 post milling. What is intended -- what 7 is meant by post milling? 8 A. The ore that is received at 9 the Imerys Houston facility would be in 10 lump form approximately the size of a 11 baseball or softball. And it would be 12 milled down to a fine powder. So this 13 refers to the process or the material 14 after it has been milled to a fine 15 powder. 16 Q. Are you -- I understand that 17 Imerys performed testing of milled ore, 18 correct? 19 A. Yes, I am. 20 Q. Did Imerys use, from 2010 -- 21 and I'll just put it in the time frame of 22 the specification, forward to 2018, did 23 they use independent labs to test the 24 talc?</p>	<p>1 THE WITNESS: That is my 2 understanding. It -- the location 3 of the testing varied over 4 those -- that period in terms of 5 where it was done. 6 BY MS. O'DELL: 7 Q. Are you aware of any other 8 third-party labs that Imerys employed to 9 perform testing on talc? 10 A. I am not. 11 Q. Did J&amp;J audit Intertek to 12 ensure that the proper tests were being 13 done? 14 A. This was a laboratory that 15 was qualified and utilized by Imerys so 16 Imerys had that responsibility to audit 17 that laboratory. 18 Q. So the answer to my question 19 was no? 20 A. That's correct. 21 Q. So let me ask you again. 22 Johnson &amp; Johnson, during -- from 2006 23 forward did not audit Intertek to ensure 24 that the testing and specifications were</p>

23 (Pages 86 to 89)

Donald Hicks

Page 90	Page 92
<p>1 being done appropriately, correct?</p> <p>2 MS. ECHTMAN: Objection to</p> <p>3 form.</p> <p>4 THE WITNESS: Johnson &amp;</p> <p>5 Johnson did not audit that</p> <p>6 particular laboratory.</p> <p>7 BY MS. O'DELL:</p> <p>8 Q. Did Johnson &amp; Johnson</p> <p>9 receive copies of the results of testing</p> <p>10 performed by Imerys on post milling</p> <p>11 product?</p> <p>12 A. Yes.</p> <p>13 Q. Was that a requirement that</p> <p>14 all post milling testing results be</p> <p>15 provided to Johnson &amp; Johnson?</p> <p>16 A. Yes, it was.</p> <p>17 Q. Were all testing results</p> <p>18 from tests conducted by Intertek required</p> <p>19 to be provided to Johnson &amp; Johnson?</p> <p>20 A. I'm not sure I can answer</p> <p>21 all. What I can answer is that testing</p> <p>22 that Intertek performed, which was</p> <p>23 required by our specification, would have</p> <p>24 been then reported for production of</p>	<p>1 Missouri, what testing, if any, did</p> <p>2 Pharma Tech perform on the talcum powder?</p> <p>3 MS. ECHTMAN: Objection.</p> <p>4 THE WITNESS: So the testing</p> <p>5 performed would have been</p> <p>6 appearance, density, particle</p> <p>7 size, and microbiological content.</p> <p>8 BY MS. O'DELL:</p> <p>9 Q. So in other words, testing</p> <p>10 for arsenic, testing for -- would not</p> <p>11 have occurred at Pharma Tech?</p> <p>12 A. That is correct.</p> <p>13 Q. Testing for asbestos did not</p> <p>14 occur at Pharma Tech?</p> <p>15 A. That is correct.</p> <p>16 Q. Testing for nickel was not</p> <p>17 performed at Pharma Tech at the time the</p> <p>18 talcum powder was being placed in the</p> <p>19 bottles and finished, if you will?</p> <p>20 A. That's correct.</p> <p>21 Q. Testing for, in the same way</p> <p>22 for chromium, lead, heavy metals was not</p> <p>23 performed at Pharma Tech?</p> <p>24 A. That's correct.</p>
Page 91	Page 93
<p>1 product -- or production of material to</p> <p>2 Johnson &amp; Johnson.</p> <p>3 Q. Who within Johnson &amp; Johnson</p> <p>4 would have been the person to receive</p> <p>5 those test results?</p> <p>6 A. The certificates of</p> <p>7 analysis, I misspoke. The certificates</p> <p>8 of analysis, as previously indicated, go</p> <p>9 to the PTI facility in Royston, Georgia.</p> <p>10 They would be looking at those results.</p> <p>11 Q. So just like the test or</p> <p>12 certificate of analysis for the ore,</p> <p>13 certificates of analysis for post milling</p> <p>14 material were also to be directed to</p> <p>15 Pharma Tech?</p> <p>16 A. That's correct.</p> <p>17 Q. Those certificates of</p> <p>18 analysis were not copied to Johnson &amp;</p> <p>19 Johnson?</p> <p>20 A. On a routine basis, no, they</p> <p>21 were not.</p> <p>22 Q. After the post-milling</p> <p>23 product was shipped from Houston to</p> <p>24 Pharma Tech in either Georgia or</p>	<p>1 Q. For the limited testing of</p> <p>2 appearance, particle size, and, did you</p> <p>3 say, sort of microbiology at Pharma Tech,</p> <p>4 was that performed within a lab at Pharma</p> <p>5 Tech or was that also done by third</p> <p>6 party?</p> <p>7 MS. ECHTMAN: Objection to</p> <p>8 form.</p> <p>9 THE WITNESS: My</p> <p>10 recollection is that it was being</p> <p>11 performed directly at the Pharma</p> <p>12 Tech lab, although some testing</p> <p>13 could have been shifted outside,</p> <p>14 depending on capacity, I suppose.</p> <p>15 BY MS. O'DELL:</p> <p>16 Q. Now, in the lower right</p> <p>17 corner of this document -- we're still on</p> <p>18 Exhibit 5, which is RM 008967 that was in</p> <p>19 effect in March of 2010. It says at the</p> <p>20 bottom, "J&amp;J independent audit.</p> <p>21 Quarterly samples from finished talc lots</p> <p>22 are sent to J&amp;J authorized independent</p> <p>23 lab for full testing."</p> <p>24 Who was the lab that J&amp;J</p>

24 (Pages 90 to 93)

Donald Hicks

Page 94	Page 96
<p>1 sent those quarterly samples to?</p> <p>2 A. That is the RJ Lee Group.</p> <p>3 Q. And RJ Lee was the only lab</p> <p>4 that Johnson &amp; Johnson employed to test</p> <p>5 samples from 2006 until the present date?</p> <p>6 A. That is correct. Yes.</p> <p>7 Q. And the data that was</p> <p>8 gleaned from the testing, the quarterly</p> <p>9 testing by RJ Lee, it was generated for</p> <p>10 informational purposes only, correct?</p> <p>11 MS. ECHTMAN: Objection to</p> <p>12 form.</p> <p>13 THE WITNESS: It was</p> <p>14 generated for review, not for</p> <p>15 release.</p> <p>16 BY MS. O'DELL:</p> <p>17 Q. And by virtue of the fact</p> <p>18 that it was not generated for release</p> <p>19 purposes, that means that the Baby Powder</p> <p>20 product continued forward through the</p> <p>21 manufacturing process at Pharma Tech and</p> <p>22 then onto the shelves of grocery stores</p> <p>23 and Target and Walmart around the country</p> <p>24 without the testing from RJ Lee having</p>	<p>1 latest information about the raw</p> <p>2 materials specifications that is</p> <p>3 currently in effect?</p> <p>4 A. I did not personally</p> <p>5 investigate.</p> <p>6 Q. But you have no reason to</p> <p>7 believe it's changed?</p> <p>8 A. That's correct.</p> <p>9 (Document marked for</p> <p>10 identification as Exhibit</p> <p>11 Hicks-6.)</p> <p>12 BY MS. O'DELL:</p> <p>13 Q. Let me show you what I'm</p> <p>14 going to mark as Exhibit 6 and ask you to</p> <p>15 identify that for the record, please.</p> <p>16 A. So this is a raw materials</p> <p>17 specification for talcum powder. It is</p> <p>18 numbered as RM 008967. It's revision</p> <p>19 three. It was issued in March 24th of</p> <p>20 2011.</p> <p>21 Q. And as your -- in your</p> <p>22 capacity as senior director of quality</p> <p>23 assurance, you would have contributed to</p> <p>24 the creation of this document, true?</p>
Page 95	Page 97
<p>1 any impact on that process, true?</p> <p>2 MS. ECHTMAN: Objection to</p> <p>3 form.</p> <p>4 THE WITNESS: Yes, that is</p> <p>5 true.</p> <p>6 BY MS. O'DELL:</p> <p>7 Q. Would it be fair to say,</p> <p>8 Mr. Hicks, RM 08967 was the controlling</p> <p>9 specification, in one version or</p> <p>10 another -- I understand it was amended,</p> <p>11 you know, periodically. But that</p> <p>12 particular raw material number was the</p> <p>13 controlling specification for talc from</p> <p>14 2009 until you retired in 2017?</p> <p>15 A. Yes, it was.</p> <p>16 Q. Do you have any information</p> <p>17 to suggest that RM 008967 is not in</p> <p>18 effect today?</p> <p>19 A. I have no information that</p> <p>20 it has been replaced or superseded.</p> <p>21 Q. And as a part of your</p> <p>22 preparation for testifying on behalf of</p> <p>23 Johnson &amp; Johnson and JJCI, did you</p> <p>24 investigate to determine who had the</p>	<p>1 A. Yes.</p> <p>2 Q. And this was created in the</p> <p>3 normal course of business?</p> <p>4 A. Yes, it was.</p> <p>5 Q. And from your review, it</p> <p>6 appears to be a true and accurate copy of</p> <p>7 that raw materials specification?</p> <p>8 A. It does.</p> <p>9 Q. And this raw material</p> <p>10 specification would have been the</p> <p>11 controlling specification for North</p> <p>12 America and Baby Powder and Shower to</p> <p>13 Shower?</p> <p>14 MS. ECHTMAN: Objection to</p> <p>15 form. You can answer.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. O'DELL:</p> <p>18 Q. Mr. Hicks, looking at, I</p> <p>19 want to make sure that you've got in</p> <p>20 front of you Exhibit 6.</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Just to make sure.</p> <p>23 If you'll look on Page 9 of 12 of</p> <p>24 Exhibit 6.</p>

25 (Pages 94 to 97)

Donald Hicks

<p style="text-align: right;">Page 98</p> <p>1 The testing frequency at</p> <p>2 this time in 2011 is still yearly samples</p> <p>3 are tested for chromium, arsenic, nickel,</p> <p>4 and lead, correct?</p> <p>5 MS. ECHTMAN: Objection to</p> <p>6 form.</p> <p>7 THE WITNESS: My</p> <p>8 understanding at this point is</p> <p>9 that testing for those items were</p> <p>10 being done per ore lot.</p> <p>11 BY MS. O'DELL:</p> <p>12 Q. When did that change?</p> <p>13 MS. ECHTMAN: Objection to</p> <p>14 form.</p> <p>15 BY MS. O'DELL:</p> <p>16 Q. You testified earlier that</p> <p>17 those tests were being done on a yearly</p> <p>18 composite?</p> <p>19 A. Yes, that's what the 2005</p> <p>20 specification that we reviewed indicated.</p> <p>21 Q. When did it change that</p> <p>22 those tests for those components were</p> <p>23 performed on a unique lot basis?</p> <p>24 A. Certainly by 2009 when this</p>	<p style="text-align: right;">Page 100</p> <p>1 form.</p> <p>2 THE WITNESS: Yes, I do.</p> <p>3 BY MS. O'DELL:</p> <p>4 Q. And that was a new</p> <p>5 requirement as of this revision of the</p> <p>6 raw material specification in 2011?</p> <p>7 MS. ECHTMAN: Objection.</p> <p>8 Lack of foundation.</p> <p>9 MS. O'DELL: Let me finish</p> <p>10 my question, please.</p> <p>11 BY MS. O'DELL:</p> <p>12 Q. That was a new requirement</p> <p>13 of the testing frequencies and</p> <p>14 requirements section of the</p> <p>15 specification, true?</p> <p>16 MS. ECHTMAN: Objection.</p> <p>17 Lack of foundation.</p> <p>18 THE WITNESS: In -- I can't</p> <p>19 say whether it's only -- whether</p> <p>20 this was the first revision that</p> <p>21 it appeared, without looking back</p> <p>22 further at the prior documents.</p> <p>23 BY MS. O'DELL:</p> <p>24 Q. Would it be safe to say that</p>
<p style="text-align: right;">Page 99</p> <p>1 original specification was first issued.</p> <p>2 I would have to look back through the</p> <p>3 older documents to confirm the exact time</p> <p>4 period that that changed.</p> <p>5 Q. In this version of RM 08967</p> <p>6 that we're looking at, Exhibit 6. There</p> <p>7 is an added element under the receipt at</p> <p>8 Pharma Tech, the third-party</p> <p>9 manufacturing plant.</p> <p>10 And if you'll look on the</p> <p>11 far right column at the bottom, it says</p> <p>12 under each shipment -- do you see that</p> <p>13 section, sir?</p> <p>14 A. Actually I don't. Sorry.</p> <p>15 Q. Okay. It says each shipment</p> <p>16 on the far -- the lower right box? Do</p> <p>17 you see that?</p> <p>18 A. Yes, okay. I see it now.</p> <p>19 Q. There is an added</p> <p>20 requirement that each shipment confirmed</p> <p>21 linkage of certificate of analysis to</p> <p>22 quarterly ore lot testing.</p> <p>23 Do you see that?</p> <p>24 MS. ECHTMAN: Objection to</p>	<p style="text-align: right;">Page 101</p> <p>1 there was no requirement that the</p> <p>2 certificate of analyses be linked to an</p> <p>3 ore lot prior to the change being made in</p> <p>4 the specifications in the 2010, 2011 time</p> <p>5 period?</p> <p>6 MS. ECHTMAN: Objection</p> <p>7 foundation.</p> <p>8 THE WITNESS: I would have</p> <p>9 to look at those to verify that</p> <p>10 that was not there.</p> <p>11 BY MS. O'DELL:</p> <p>12 Q. Let's go back then. We</p> <p>13 looked at 8031 previously. That was the</p> <p>14 first specification we looked at. And</p> <p>15 can we agree that -- and that was</p> <p>16 Exhibit 4.</p> <p>17 A. Yes.</p> <p>18 Q. And there was no requirement</p> <p>19 in that specification to confirm linkage</p> <p>20 of a certificate of analysis to a</p> <p>21 quarterly ore lot testing, true?</p> <p>22 A. That is true, yes.</p> <p>23 Q. And you testified that raw</p> <p>24 materials specification 08967 was</p>

Donald Hicks

<p style="text-align: right;">Page 102</p> <p>1 instituted in the 2009-2010 time frame, 2 true? 3 A. That is correct. 4 Q. And there was no requirement 5 that there be a confirmation of linkage 6 to a certificate of analysis to a 7 quarterly ore lot until that time frame, 8 true? 9 MS. ECHTMAN: Objection. 10 THE WITNESS: I would have 11 to look through the specifications 12 between 2006 and 2009 to confirm 13 that. 14 BY MS. O'DELL: 15 Q. Well, you testified 16 previously that the specifications for 17 talcum powder did not change until Raw 18 Material 008967 was instituted in the 19 2009 and 2010 time frame. 20 MS. ECHTMAN: Objection. 21 Misstates the testimony. 22 THE WITNESS: I'm not sure 23 how that question is applicable to 24 your prior question. I'm sorry.</p>	<p style="text-align: right;">Page 104</p> <p>1 specification that I walked you through, 2 Exhibit Number 4, was -- became effective 3 in April of 2005 shortly before the 2006 4 time frame, true? 5 A. Yes, that is true. 6 Q. And you have no reason to 7 believe that it was not in effect in 2006 8 when you became responsible for the 9 talcum powder products and for the time 10 period that you're here to speak to 11 today, correct? 12 MS. ECHTMAN: Objection. 13 THE WITNESS: Well, 14 actually, I have reason to believe 15 that it probably was updated. 16 These documents were updated 17 pretty frequently. It was very 18 likely that it was updated in 19 2006-2007 time period. 20 BY MS. O'DELL: 21 Q. But the new specification, 22 sort of the major overhaul, if you will, 23 of the raw materials specification 24 occurred when Raw Material 008967 was --</p>
<p style="text-align: right;">Page 103</p> <p>1 BY MS. O'DELL: 2 Q. Well, I'll be happy to 3 restate it. 4 The 8031, you just told me 5 this a few minutes ago. Raw material 6 specification 8031 did not require a 7 confirmation of linkage from a 8 certificate of analysis, which was the 9 testing of an ore to a particular ore 10 lot, true? 11 MS. ECHTMAN: Objection. 12 THE WITNESS: The 2005 13 document, raw material 14 specification that we looked at, 15 requires that testing to be done 16 on an annual basis. The testing 17 of every single ore lot is not 18 required by that specification, 19 although that specification is 20 technically out of our -- out of 21 my 2006 to my 2017 area of 22 expertise. 23 BY MS. O'DELL: 24 Q. And that particular</p>	<p style="text-align: right;">Page 105</p> <p>1 became effective in 2009-2010 time frame, 2 true? 3 A. That is true, yes. 4 Q. And it wasn't until the raw 5 material 8967 was instituted that there 6 was a specific requirement to confirm the 7 linkage of the certificate of analysis to 8 a quarterly -- quarterly ore lot, true? 9 MS. ECHTMAN: Objection. 10 Foundation. 11 THE WITNESS: I cannot 12 confirm or deny. I have -- I 13 would need to look at the 14 specifications from 2006 to 2009 15 and confirm that that particular 16 statement is not in there. 17 BY MS. O'DELL: 18 Q. You're here to testify about 19 the specifications that were in effect 20 from 2006 forward. I thought we had an 21 agreement that 8031 was in effect in 2006 22 until 2009. I think the testimony 23 will -- your prior testimony today will 24 support that.</p>

27 (Pages 102 to 105)

Donald Hicks

<p style="text-align: right;">Page 106</p> <p>1 Are you saying that there</p> <p>2 was another specification that was</p> <p>3 controlling during that time period?</p> <p>4 MS. ECHTMAN: Objection.</p> <p>5 Misstates the testimony.</p> <p>6 MS. O'DELL: I'm asking --</p> <p>7 I'm asking him a clear question.</p> <p>8 It doesn't misstate his testimony.</p> <p>9 BY MS. O'DELL:</p> <p>10 Q. Are you saying that there</p> <p>11 was another specification, Mr. Hicks?</p> <p>12 MS. ECHTMAN: Objection.</p> <p>13 Misstates the testimony.</p> <p>14 THE WITNESS: The</p> <p>15 specification -- you are correct</p> <p>16 that the base specification number</p> <p>17 is in fact the same during that</p> <p>18 period. However, there were</p> <p>19 multiple revisions to that</p> <p>20 document between 2005 and 2009.</p> <p>21 BY MS. O'DELL:</p> <p>22 Q. Do you have any knowledge</p> <p>23 that the requirement prior -- that there</p> <p>24 was a requirement prior to 2009 that</p>	<p style="text-align: right;">Page 108</p> <p>1 time period?</p> <p>2 MS. ECHTMAN: And I'm just</p> <p>3 going to clarify. It would be</p> <p>4 specifically which documents</p> <p>5 refreshed his recollection,</p> <p>6 because beyond that it's subject</p> <p>7 to privilege what documents</p> <p>8 counsel chose to show the witness.</p> <p>9 BY MS. O'DELL:</p> <p>10 Q. Do you recall all the</p> <p>11 documents that you reviewed in</p> <p>12 preparation for your testimony regarding</p> <p>13 the specifications?</p> <p>14 MS. ECHTMAN: Objection.</p> <p>15 Specifically you asked that</p> <p>16 refreshed his recollection.</p> <p>17 BY MS. O'DELL:</p> <p>18 Q. You may answer the question,</p> <p>19 Mr. Hicks.</p> <p>20 A. Specifications during the</p> <p>21 time period 2006 to 2017 were made</p> <p>22 available to me. I looked at some of</p> <p>23 them.</p> <p>24 Q. Okay.</p>
<p style="text-align: right;">Page 107</p> <p>1 there be confirmation of a linkage</p> <p>2 between a certificate of analysis for a</p> <p>3 quarterly ore lot?</p> <p>4 MS. ECHTMAN: I'm going to</p> <p>5 object that this is not a memory</p> <p>6 test, and we actually have a</p> <p>7 binder of specifications right</p> <p>8 here. So if you'll allow the</p> <p>9 witness to look at the applicable</p> <p>10 documents to make sure he's</p> <p>11 answering the questions correctly,</p> <p>12 we appreciate that.</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. Have you reviewed this</p> <p>15 binder?</p> <p>16 A. I briefly looked at that</p> <p>17 binder, yes.</p> <p>18 Q. When did you review it?</p> <p>19 A. It would be at least a week</p> <p>20 or so ago.</p> <p>21 Q. What other documents besides</p> <p>22 this binder did you review to refresh</p> <p>23 your memory on the specifications that</p> <p>24 applied to talc during the 2006 to 2018</p>	<p style="text-align: right;">Page 109</p> <p>1 MS. O'DELL: I'm going to</p> <p>2 mark the notebook. I think we are</p> <p>3 at Exhibit 7.</p> <p>4 (Document marked for</p> <p>5 identification as Exhibit</p> <p>6 Hicks-7.)</p> <p>7 BY MS. O'DELL:</p> <p>8 Q. Let me have you turn -- I'm</p> <p>9 assuming counsel has a copy of the</p> <p>10 notebook for you, Mr. Hicks?</p> <p>11 MS. ECHTMAN: I'll give</p> <p>12 Mr. Hicks that one.</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. Now, we've marked the</p> <p>15 notebook as Exhibit 7. And if you'll</p> <p>16 look at -- it's Tab 1 Mr. Hicks. You'll</p> <p>17 see that there is a copy of the RM 08031</p> <p>18 specification we discussed earlier,</p> <p>19 revision 8.</p> <p>20 Do you see that?</p> <p>21 A. Yes, I do.</p> <p>22 Q. And it was in effect or</p> <p>23 issued May 30th, 2006.</p> <p>24 Do you see that?</p>

28 (Pages 106 to 109)

Donald Hicks

Page 110	Page 112
<p>1 A. Yes, I do.</p> <p>2 Q. Is that correct?</p> <p>3 A. It is correct. Yes.</p> <p>4 Q. And if you will turn, I'm</p> <p>5 assuming you're familiar with this,</p> <p>6 having been provided it by counsel, but</p> <p>7 if you turn to the back there's no</p> <p>8 requirement that there be a linkage</p> <p>9 between the certificate of analysis and</p> <p>10 an ore lot, correct?</p> <p>11 MS. ECHTMAN: I'd ask the</p> <p>12 witness to please look at the</p> <p>13 entirety of the document.</p> <p>14 MS. O'DELL: Don't</p> <p>15 counsel -- don't coach the witness</p> <p>16 please, Counsel. It's object to</p> <p>17 the form, and let him answer the</p> <p>18 question.</p> <p>19 MS. ECHTMAN: Okay. He has</p> <p>20 the right to understand that he's</p> <p>21 got the right to look at the</p> <p>22 entirety of the document.</p> <p>23 MS. O'DELL: It's sitting</p> <p>24 before him. I'm sure he</p>	<p>1 form.</p> <p>2 You can answer.</p> <p>3 THE WITNESS: It does say,</p> <p>4 "The certificate shall include the</p> <p>5 ore shipment identification</p> <p>6 number," so that infers that in</p> <p>7 fact there is a hard linkage</p> <p>8 between the milled talc and the</p> <p>9 ore lot and the C of A.</p> <p>10 BY MS. O'DELL:</p> <p>11 Q. There's no -- there is no</p> <p>12 requirement that there be a confirmation</p> <p>13 of the linkage of the certificate of</p> <p>14 analysis to the quarterly lot testing</p> <p>15 that is included in specifications in</p> <p>16 later years, true?</p> <p>17 MS. ECHTMAN: Objection to</p> <p>18 form. Foundation.</p> <p>19 THE WITNESS: If I</p> <p>20 understand your question</p> <p>21 correctly, I believe that there is</p> <p>22 a direct correlation on the C of</p> <p>23 A's between the testing results</p> <p>24 and the ore lot that was tested</p>
Page 111	Page 113
<p>1 understands, being a qualified</p> <p>2 person he is, that he can look at</p> <p>3 the document if he wants to.</p> <p>4 THE WITNESS: So if you --</p> <p>5 if I could refer you to Page 6,</p> <p>6 the bottom paragraph. It says, "A</p> <p>7 certificate of analysis was</p> <p>8 labeled initial ore result after</p> <p>9 grinding."</p> <p>10 So -- and it indicates that</p> <p>11 there is a composite sample for</p> <p>12 each unique ore shipment that's</p> <p>13 evaluated. So in this case it</p> <p>14 does clearly indicate that all</p> <p>15 test results would be connected --</p> <p>16 directly connected to an ore</p> <p>17 shipment.</p> <p>18 BY MS. O'DELL:</p> <p>19 Q. It does not say that there</p> <p>20 would be a particular linkage to a</p> <p>21 certificate of analysis to the particular</p> <p>22 ore lot, does it, sir?</p> <p>23 A. Well, it --</p> <p>24 MS. ECHTMAN: Objection to</p>	<p>1 which also then connects to the</p> <p>2 milled lot that is being shipped.</p> <p>3 BY MS. O'DELL:</p> <p>4 Q. Let me ask you to look at --</p> <p>5 looking at Tab Number 1. You referred me</p> <p>6 to Page 6. Nowhere in that paragraph</p> <p>7 does it say, "Confirm linkage of a</p> <p>8 certificate of analysis to a quarterly</p> <p>9 ore lot," true?</p> <p>10 MS. ECHTMAN: Objection to</p> <p>11 form.</p> <p>12 BY MS. O'DELL:</p> <p>13 Q. It does not contain that</p> <p>14 language, does it, sir?</p> <p>15 MS. ECHTMAN: Objection to</p> <p>16 form.</p> <p>17 THE WITNESS: It contains</p> <p>18 different language which in</p> <p>19 essence says the same thing.</p> <p>20 BY MS. O'DELL:</p> <p>21 Q. So it does not -- my</p> <p>22 question was very clear, sir. That</p> <p>23 paragraph and that specification does not</p> <p>24 contain the requirement that there be a</p>

29 (Pages 110 to 113)

Donald Hicks

<p style="text-align: right;">Page 114</p> <p>1 confirmation of -- excuse me -- that 2 there be -- let me start again. 3 That paragraph does not 4 contain the language, "Confirm linkage of 5 certificate of analysis to quarterly ore 6 lot testing," true? 7 MS. ECHTMAN: Objection to 8 form. 9 THE WITNESS: I think that 10 exact language is not included in 11 this document. However, the 12 intent of what is in the document 13 is equivalent to the meaning of 14 that particular statement, which 15 is in the new specification for 16 talc. 17 MS. O'DELL: Move to strike 18 after "the intent." 19 BY MS. O'DELL: 20 Q. Did you write that 21 paragraph, Mr. Hicks? 22 A. It depends which document 23 we're talking about. If we are talking 24 about the RM 08031 Revision 8, I did not</p>	<p style="text-align: right;">Page 116</p> <p>1 to -- 2 MS. O'DELL: The letter does 3 not dictate that you cannot object 4 for a nonresponsive answer. It 5 says you won't be argumentive. 6 And I'm certainly not being 7 argumentive -- argumentive in my 8 comments to Mr. Hicks. 9 MS. SHARKO: Well, I 10 disagree with that. I disagree 11 with your interpretation of the 12 order. But you're burning up your 13 own time with unnecessary 14 objections. To the extent that 15 they become even more harassing or 16 onerous, then we can call the 17 judge. 18 MS. O'DELL: Well, I think 19 the record will be clear, Susan. 20 I've not been harassing Mr. Hicks. 21 I've been very courteous and 22 cordial. And to suggest otherwise 23 is completely incorrect. 24 Why don't we take -- it's</p>
<p style="text-align: right;">Page 115</p> <p>1 write the document. I have read the 2 document many times, and I've reviewed 3 the actual practice that was being -- 4 that was in place. 5 MS. O'DELL: Move to strike 6 as nonresponsive. 7 MS. SHARKO: Comments like 8 that are specifically prohibited 9 by the order. It's unnecessary 10 objections to questions by either 11 counsel. 12 MS. O'DELL: I think I'm 13 entitled to move to strike. 14 There's nothing in the protocol 15 that prevents me from doing so. 16 I'm going to exercise that right 17 when the response to the question 18 is nonresponsive. 19 MS. SHARKO: So I absolutely 20 disagree. Look at the letter 21 order that your colleague 22 Ms. Parfitt and I crafted, and I 23 think you'll see that it covers 24 it. Let's move on. I don't want</p>	<p style="text-align: right;">Page 117</p> <p>1 noon. Let's take a break for 2 lunch, and then we'll come back 3 and pick it up from there. 4 THE VIDEOGRAPHER: The time 5 is 12:01: Going off the record. 6 - - - 7 (Lunch break.) 8 - - - 9 A F T E R N O O N S E S S I O N 10 - - - 11 THE VIDEOGRAPHER: The time 12 is now 12:43. Back on the record. 13 BY MS. O'DELL: 14 Q. Mr. Hicks, before we took a 15 break for lunch, we were looking at 16 Exhibit 8, the notebook -- 17 MS. ECHTMAN: Seven. 18 MS. O'DELL: Exhibit 7? 19 MS. ECHTMAN: It's 20 Exhibit 7, the notebook. 21 BY MS. O'DELL: 22 Q. Okay. Thank you. 23 Exhibit 7. 24 A notebook that was prepared</p>

30 (Pages 114 to 117)

Donald Hicks

<p style="text-align: right;">Page 118</p> <p>1 for you by counsel, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And does this notebook</p> <p>4 contain all of the controlling raw</p> <p>5 materials specifications that were in</p> <p>6 effect from 2006 to the present?</p> <p>7 A. Yes, it does.</p> <p>8 Q. I'd like for you to turn to</p> <p>9 Tab 6 of the notebook. It's the</p> <p>10 specification that was issued on March</p> <p>11 the 24th, 2011.</p> <p>12 Do you see that?</p> <p>13 A. Yes, I do.</p> <p>14 MR. SILVER: Leigh, is there</p> <p>15 a Bates number at the bottom?</p> <p>16 MS. O'DELL: Yes, that's</p> <p>17 fair. It's JNJMC 00122446.</p> <p>18 BY MS. O'DELL:</p> <p>19 Q. This specification applied</p> <p>20 to a talc that was used in Baby Powder as</p> <p>21 well as talc that was used in Shower to</p> <p>22 Shower, correct?</p> <p>23 A. Yes.</p> <p>24 Q. And I'm sure during your</p>	<p style="text-align: right;">Page 120</p> <p>1 A. One would normally not find</p> <p>2 it there. So this is the quarantining of</p> <p>3 all raw materials coming in to a</p> <p>4 manufacturing site but -- from a GMP</p> <p>5 point of view would be required to be</p> <p>6 quarantined.</p> <p>7 Q. That's not my question</p> <p>8 though. We are not talking about general</p> <p>9 GMP, Mr. Hicks, as you know. We're</p> <p>10 talking about specific specifications for</p> <p>11 Baby Powder as instituted by J&amp;J. And</p> <p>12 there's no requirement in the</p> <p>13 specification that was issued on</p> <p>14 March 24, 2011, to quarantine material</p> <p>15 until testing is complete, correct?</p> <p>16 MS. ECHTMAN: Objection to</p> <p>17 form.</p> <p>18 THE WITNESS: That is</p> <p>19 correct. That would be covered</p> <p>20 under a standard operating</p> <p>21 procedure for the site.</p> <p>22 BY MS. O'DELL:</p> <p>23 Q. What standard operating</p> <p>24 procedure are you referring to?</p>
<p style="text-align: right;">Page 119</p> <p>1 meetings with counsel, you reviewed this</p> <p>2 document to refresh your memory, so</p> <p>3 hopefully we can move through this</p> <p>4 quickly.</p> <p>5 If you'll turn to Page 9 of</p> <p>6 12. It's Subsection 10, the testing</p> <p>7 frequencies and requirements table.</p> <p>8 Do you see that?</p> <p>9 A. Yes, I do.</p> <p>10 Q. And in that particular table</p> <p>11 for post milling, there is not a</p> <p>12 requirement to quarantine the product</p> <p>13 until the tests have been completed on</p> <p>14 the product, correct?</p> <p>15 A. Actually, product is</p> <p>16 quarantined prior to it being used in the</p> <p>17 post milling stage upon receipt.</p> <p>18 Q. In the specification that</p> <p>19 was in effect in 2011, there's no</p> <p>20 requirement for quarantining of the</p> <p>21 product listed in the testing and</p> <p>22 frequencies table, true?</p> <p>23 A. Not in that table.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 121</p> <p>1 A. During this time period it</p> <p>2 would have been a PTI standard operating</p> <p>3 procedure, which would govern the receipt</p> <p>4 of what are called chemical raw</p> <p>5 materials, talc being one.</p> <p>6 Q. What I'm asking you, you</p> <p>7 said a PTI standard operating procedure.</p> <p>8 Do you know the number of the operating</p> <p>9 procedure?</p> <p>10 A. I do not, no.</p> <p>11 Q. There was no Johnson &amp;</p> <p>12 Johnson specification that required</p> <p>13 quarantining of product at this time in</p> <p>14 March 2011, correct?</p> <p>15 MS. ECHTMAN: Objection.</p> <p>16 THE WITNESS: The facility</p> <p>17 is operating under PTI SOPs, not</p> <p>18 necessarily J&amp;J SOPs.</p> <p>19 BY MS. O'DELL:</p> <p>20 Q. The specification was</p> <p>21 instituted by Johnson &amp; Johnson, correct?</p> <p>22 A. That's correct.</p> <p>23 Q. And in the specification,</p> <p>24 there is no requirement that talc ore be</p>

Donald Hicks

Page 122	Page 124
<p>1 quarantined until testing is complete as 2 of the date of this specification on 3 March 24, 2011? 4 MS. ECHTMAN: Objection to 5 form. 6 THE WITNESS: Well, it -- it 7 normally would not be in such a 8 document. It would normally be in 9 an SOP. There is a statement 10 here, if I could read that. 11 BY MS. O'DELL: 12 Q. The answer to my question is 13 no, isn't it, Mr. Hicks? 14 MS. ECHTMAN: Objection. 15 Let the witness finish his answer, 16 please. 17 THE WITNESS: Actually, I 18 believe that it is very clear in 19 here that you need to complete the 20 requirements prior to release. 21 BY MS. O'DELL: 22 Q. Where are you reading? 23 A. Under Section 5.0, 24 acceptance. There's a statement which</p>	<p>1 A. In this case, yes, it would 2 be. 3 Q. Does Johnson &amp; Johnson have 4 copies of Pharma Tech standard operating 5 procedures for use in the manufacture of 6 its Baby Powder and Shower to Shower 7 products? 8 MS. ECHTMAN: Objection. 9 THE WITNESS: In general, 10 the PTI SOPs would remain at the 11 PTI site. 12 BY MS. O'DELL: 13 Q. So the answer to my question 14 is no, Johnson &amp; Johnson does not have 15 copies of standard operating procedures 16 for Pharma Tech? 17 MS. ECHTMAN: Objection. 18 THE WITNESS: They're not 19 kept in our control document 20 system. 21 BY MS. O'DELL: 22 Q. As a part of your duties as 23 senior quality assurance, did you ever 24 have occasion to review all of the</p>
Page 123	Page 125
<p>1 says that properties and requirements, 2 packaging and marketing shall be cause 3 for rejection, which suggests that they 4 need to be reviewed prior to release. 5 Q. There's no specific 6 requirement listed for a product to be 7 quarantined? 8 A. No. And we would not put 9 them in these raw materials 10 specifications. That's not where they 11 would be housed. 12 Q. That's not. You're saying 13 that would be an inappropriate thing to 14 put in a requirement to quarantine in a 15 specification like this? 16 A. In a specification like 17 this, it would be inappropriate to put it 18 here because it is captured in the SOP 19 for how one receives, evaluates and 20 finally releases raw materials. 21 Q. And that's not a Johnson &amp; 22 Johnson standard operating procedure 23 you're referring to; that's a Pharma 24 Tech?</p>	<p>1 operating -- standard operating 2 procedures of Pharma Tech? 3 A. That was -- excuse me. That 4 was not my role to really review at that 5 level. 6 My team was working on that. 7 I do -- the team does audits of 8 facilities, and they look for that as 9 part of their GMP auditing process. We 10 also have a written agreement with all 11 third-party manufacturers. And one of 12 the things that it would talk about is 13 the receipt of raw materials. 14 Q. Did J&amp;J audit PTI? 15 A. Yes, they did. 16 Q. When? 17 A. I don't have those dates. 18 Q. During the time period 2006 19 to 2017, was Pharma Tech audited? 20 A. Yes, it was. 21 Q. Approximately what time 22 period? 23 A. At this point, I wouldn't 24 recall the exact dates of those -- when</p>

32 (Pages 122 to 125)

Donald Hicks

<p style="text-align: right;">Page 126</p> <p>1 those audits were actually performed.</p> <p>2 Q. Excuse me, sir. How many</p> <p>3 times was PTI audited during that time</p> <p>4 period?</p> <p>5 A. I don't have the exact</p> <p>6 number, sorry.</p> <p>7 Q. Was it one time?</p> <p>8 MS. ECHTMAN: Objection.</p> <p>9 Asked and answered.</p> <p>10 THE WITNESS: Were they</p> <p>11 audited? Yes. If that's your</p> <p>12 question.</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. I'm trying to get a sense of</p> <p>15 were they audited once or more than once?</p> <p>16 A. I don't remember the exact</p> <p>17 time. I can tell you that the policy in</p> <p>18 general was every two to three years.</p> <p>19 Depending on the outcome of the prior</p> <p>20 audit.</p> <p>21 Q. Did you participate in an</p> <p>22 audit or order an audit of PTI?</p> <p>23 A. No, nor would I.</p> <p>24 Q. It would be the standard</p>	<p style="text-align: right;">Page 128</p> <p>1 separation between being the quality head</p> <p>2 of baby products and there was another</p> <p>3 group. There was a quality head of third</p> <p>4 parties, third-party manufacturing.</p> <p>5 So they're doing the process</p> <p>6 of auditing, taking care of issues. You</p> <p>7 know, my role was oversight of the baby</p> <p>8 products business and its products.</p> <p>9 Q. And because PTI was bottling</p> <p>10 Baby Powder, by virtue of what you just</p> <p>11 described, you would have been ultimately</p> <p>12 responsible for that audit, correct?</p> <p>13 MS. ECHTMAN: Objection.</p> <p>14 THE WITNESS: Well, I think</p> <p>15 it is a shared responsibility with</p> <p>16 my peer who was in charge of the</p> <p>17 external manufacturing quality</p> <p>18 group.</p> <p>19 BY MS. O'DELL:</p> <p>20 Q. Well, let me ask it sort of</p> <p>21 differently to make sure.</p> <p>22 You would have had -- you</p> <p>23 would have responsibility for any audit</p> <p>24 of PTI, at least in some part from 2006</p>
<p style="text-align: right;">Page 127</p> <p>1 operating procedure to produce an audit</p> <p>2 report after each audit of a supplier; is</p> <p>3 that correct?</p> <p>4 MS. ECHTMAN: Objection.</p> <p>5 BY MS. O'DELL:</p> <p>6 Q. Yeah, let me ask it --</p> <p>7 A. Yeah, please.</p> <p>8 Q. If there's an objection,</p> <p>9 I'll ask it a different way.</p> <p>10 Would it be standard</p> <p>11 procedure to produce a report following</p> <p>12 an audit of a supplier or --</p> <p>13 A. Yes, it would.</p> <p>14 Q. And if there was an audit of</p> <p>15 PTI, you would expect that to be within</p> <p>16 the files of the quality assurance</p> <p>17 department?</p> <p>18 A. I would.</p> <p>19 Q. And it would be the quality</p> <p>20 assurance department, the division you</p> <p>21 were senior director of, to conduct the</p> <p>22 audit, true?</p> <p>23 A. It depends on the time</p> <p>24 period from 2009 on. There was a</p>	<p style="text-align: right;">Page 129</p> <p>1 to 2017?</p> <p>2 A. I could say that I would be</p> <p>3 aware of an audit that would occur.</p> <p>4 Q. In terms of the requirement</p> <p>5 that was imposed by Johnson &amp; Johnson, I</p> <p>6 think we've established that your</p> <p>7 specification did not have a requirement</p> <p>8 for quarantining milled ore until the</p> <p>9 testing was complete according to your</p> <p>10 March 24, 2011 specification?</p> <p>11 A. I don't think that we're</p> <p>12 aligned to that. I think there's</p> <p>13 different language that was used. But</p> <p>14 the intent was the same, that material</p> <p>15 was not being released.</p> <p>16 Q. But we're in agreement on</p> <p>17 this point. Specific language in terms</p> <p>18 of directing the supplier to quarantine a</p> <p>19 product was not included?</p> <p>20 MS. ECHTMAN: Objection to</p> <p>21 form.</p> <p>22 BY MS. O'DELL:</p> <p>23 Q. The word "quarantine" was</p> <p>24 not included in the March 24, 2011 spec?</p>

Donald Hicks

Page 130	Page 132
<p>1 A. That I can agree to, yes, 2 because it was captured in the SOP and 3 also the quality agreement that we had 4 with that particular external 5 manufacturer. 6 Q. And you don't have -- 7 Johnson &amp; Johnson -- you're here to speak 8 for Johnson &amp; Johnson today -- does not 9 have a copy of the standard operating 10 procedures for Pharma Tech in its filing 11 cabinets. You told us that, right? 12 MS. ECHTMAN: Objection. 13 THE WITNESS: There may be 14 some. But it was not routine 15 practice to take all their SOPs 16 and put them in our filing 17 cabinet. 18 BY MS. O'DELL: 19 Q. And you've not seen them? 20 A. I personally have not seen 21 them, no. 22 Q. And so to the degree you're 23 talking about a standard operating 24 procedure for Pharma Tech, that would be</p>	<p>1 the first few letters are JNJMC 2 the last numbers are 8597. 3 MS. ECHTMAN: If you look at 4 the very bottom, just to make see 5 if you have the document that has 6 these Bates numbers, 8597 at the 7 very bottom. 8 THE WITNESS: Well, 8597, 9 yes. Okay. I thought you were 10 referring to the specification 11 number. Sorry. 12 BY MS. O'DELL: 13 Q. And this is the raw material 14 specification 008967 that was issued on 15 July 3, 2012, correct? 16 A. That's correct. 17 Q. Okay. That's all I was 18 asking. 19 A. Yeah, I just wanted to make 20 sure we were on the same page. 21 Q. The -- if you'll turn, sir, 22 to Page 9 of 9. You see the table 23 "Testing Frequencies and Requirements"? 24 A. Yes, I do.</p>
Page 131	Page 133
<p>1 a speculation on your part in terms of 2 what was operational in March 24, 2011, 3 but we can agree that the term 4 "quarantine" was not used in the J&amp;J 5 specification? 6 MS. ECHTMAN: Objection. 7 THE WITNESS: I think we can 8 agree that that word is not used. 9 BY MS. O'DELL: 10 Q. Now, when you turn to Tab 7 11 of the notebook in front of you, 12 Mr. Hicks. 13 MS. O'DELL: And for others, 14 the Bates is JNJMC 000008597. 15 BY MS. O'DELL: 16 Q. This is the raw materials 17 specification that was issued July 3rd, 18 2012? 19 A. You said that's Tab 7? 20 Because I have a different document here. 21 MS. ECHTMAN: Can you read 22 the Bates number again just to 23 make sure we're on -- 24 MS. O'DELL: Yeah. It's --</p>	<p>1 Q. Under post milling, do you 2 see that? 3 A. Yes, I do. 4 Q. And in fact, a requirement 5 was added for the first time in this 6 specification that, "While awaiting 7 results of ore lot testing, milled lots 8 associated with the one" -- excuse me -- 9 "with the ore lot will be quarantined 10 until ore tests have been satisfactorily 11 completed." 12 Do you see that? 13 A. Yes, I do. 14 Q. And that's a new requirement 15 for testing and frequencies as of 16 July 3rd, 2012? 17 MS. ECHTMAN: Objection. 18 BY MS. O'DELL: 19 Q. Correct? 20 A. It is a new statement that's 21 been added. It's not a new requirement. 22 And it's clarifying standard practice. 23 Q. It's not something that was 24 included in prior specifications. We've</p>

34 (Pages 130 to 133)

Donald Hicks

Page 134	Page 136
<p>1 agreed to that, correct?</p> <p>2 A. Yes. I say yes, but I have</p> <p>3 not looked.</p> <p>4 Yes.</p> <p>5 Q. Let me ask you to set the</p> <p>6 notebook aside, Mr. Hicks. I want to ask</p> <p>7 a few follow-up questions from our</p> <p>8 discussion this morning. You mentioned</p> <p>9 that the documents that counsel had</p> <p>10 provided to you in the notebook in</p> <p>11 Exhibit 7 were documents that you'd used</p> <p>12 to refresh your recollection for your</p> <p>13 testimony here today; is that true?</p> <p>14 A. That is true that I've</p> <p>15 looked at those documents, yes.</p> <p>16 Q. Were there any other</p> <p>17 documents that you reviewed for purposes</p> <p>18 of refreshing your recollection for your</p> <p>19 testimony?</p> <p>20 MS. ECHTMAN: Let me just</p> <p>21 clarify that unless it actually</p> <p>22 refreshed his recollection, the</p> <p>23 collection of documents that</p> <p>24 counsel chose to show the witness</p>	<p>1 recollection, I'll allow him to</p> <p>2 answer.</p> <p>3 THE WITNESS: I did review</p> <p>4 documents that were associated</p> <p>5 with the testing, yes.</p> <p>6 BY MS. O'DELL:</p> <p>7 Q. And what were those</p> <p>8 documents?</p> <p>9 A. So that was -- it was</p> <p>10 referenced in here.</p> <p>11 TM 7024, "Asbestos by</p> <p>12 transmission electron."</p> <p>13 Q. Any others?</p> <p>14 MS. ECHTMAN: I'm going to</p> <p>15 object to the extent that they</p> <p>16 refreshed his recollection or</p> <p>17 incorporated in the</p> <p>18 specifications.</p> <p>19 THE WITNESS: Yeah.</p> <p>20 MS. O'DELL: Please don't</p> <p>21 coach the witness.</p> <p>22 MS. ECHTMAN: I'm not.</p> <p>23 MS. O'DELL: Yes, you were.</p> <p>24 MS. ECHTMAN: No, I --</p>
Page 135	Page 137
<p>1 are privileged. So I'll let the</p> <p>2 witness answer to the extent that</p> <p>3 a document did refresh his</p> <p>4 recollection.</p> <p>5 BY MS. O'DELL:</p> <p>6 Q. You reviewed documents in</p> <p>7 preparation for your deposition, didn't</p> <p>8 you, Mr. Hicks?</p> <p>9 A. I did.</p> <p>10 Q. And in terms of those</p> <p>11 documents, were there documents there</p> <p>12 that refreshed your recollection in</p> <p>13 preparation for your testimony today?</p> <p>14 A. I think that these documents</p> <p>15 were reviewed, and you know, looking at,</p> <p>16 you know, some of the specifics clearly</p> <p>17 helped my recollection over the basic</p> <p>18 information contained in those documents.</p> <p>19 Q. Did you review testing</p> <p>20 procedures to refresh your recollection</p> <p>21 prior to your testimony?</p> <p>22 MS. ECHTMAN: Objection.</p> <p>23 Again, to the extent that a</p> <p>24 document actually did refresh his</p>	<p>1 MS. O'DELL: Let him answer</p> <p>2 the question, please.</p> <p>3 MS. ECHTMAN: No, I'm just</p> <p>4 saying the parameters of where I</p> <p>5 think the privilege is, that if he</p> <p>6 can disclose to the extent that</p> <p>7 it's in the specifications or if</p> <p>8 it refreshed his recollection.</p> <p>9 I'm not coaching. I'm delineating</p> <p>10 the extent of the privilege that</p> <p>11 we're asserting.</p> <p>12 BY MS. O'DELL:</p> <p>13 Q. All I asked of you is -- I</p> <p>14 didn't ask you about specifications,</p> <p>15 other than the notebook previously. The</p> <p>16 question that I'm asking now, did you</p> <p>17 review documents regarding testing that</p> <p>18 refreshed your recollection? You told us</p> <p>19 about TM 7024. Were there any others?</p> <p>20 A. Also the CTFA, Cosmetic</p> <p>21 Toiletry Fragrance Association methods.</p> <p>22 I'm not sure I'm in alignment with</p> <p>23 refreshing my memory. Certainly reviewed</p> <p>24 them.</p>

35 (Pages 134 to 137)

Donald Hicks

Page 138	Page 140
<p>1 Q. CTFA method J4-1 is a method 2 for testing for the presence of asbestos, 3 correct? 4 A. Yes, it is. 5 Q. CTFA J4-1 was the method 6 that J&amp;J specified for the testing of 7 asbestos for the time period 2006 to 8 2017, true? 9 A. It's one of the methods, 10 yes. 11 Q. Let me ask you take a look 12 at what I'm marking as Exhibit 8. 13 (Document marked for 14 identification as Exhibit 15 Hicks-8.) 16 BY MS. O'DELL: 17 Q. Is that the document that 18 you reviewed to refresh your recollection 19 about CTFA J4-1? 20 A. It's a document that I 21 reviewed to ensure that my memory was in 22 fact accurate, yes. 23 Q. What's your understanding of 24 the CTFA J4-1 method for testing for</p>	<p>1 referred to as polarized light 2 microscopy, or PLM. 3 Q. So CTFA J4-1 prescribed 4 first that the material is examined under 5 XRD, correct? 6 A. Yes. 7 Q. And then thereafter, if 8 there is suspicious material, 9 essentially, to review it under polarized 10 light microscope or PLM? 11 A. That is the protocol it 12 provides. 13 Q. What is the detection limit 14 for XRD? 15 A. It varies by the type of 16 equipment, the experience of the 17 interpreter. Typically it is 18 acknowledged that somewhere between .1 to 19 .5 percent. 20 Q. And, in fact, some sources 21 suggest that -- or state that XRD's 22 detection limit is .1 to 1 percent. 23 MS. ECHTMAN: Objection. 24 BY MS. O'DELL:</p>
Page 139	Page 141
<p>1 asbestos, Mr. Hicks? 2 A. Could you clarify the 3 statement? In terms of what aspect? 4 Q. In general. What's your -- 5 what's your understanding of the 6 procedure or methodology dictated by CTFA 7 Method J4-1 for identifying asbestos in 8 talc? 9 A. It just seems to be a very 10 general question. I'm trying to narrow 11 it down to something more tangible that I 12 can respond to. 13 Q. Okay. How was the -- what 14 were the steps for -- and the types of 15 instruments that were used in CTFA J4-1 16 to examine talc to determine if there was 17 asbestos? 18 A. So in this CTFA method, 19 there are two types of techniques that 20 are used. One is a x-ray diffraction. 21 The other one is -- it's actually -- in 22 this method, it talks about optical 23 microscopy and the dispersion staining 24 method. In the industry it's commonly</p>	<p>1 Q. Is that true? 2 A. I have not seen it stated as 3 1 percent. 4 Q. Do you hold out RJ Lee as an 5 authoritative source from your 6 perspective on the XRD testing method? 7 A. Yes, I do. 8 Q. Let me show you what I'm 9 marking as Exhibit 9. 10 (Document marked for 11 identification as Exhibit 12 Hicks-9.) 13 BY MS. O'DELL: 14 Q. It is a PowerPoint entitled 15 "Global Overview, Talc Sourcing and 16 Asbestos Requirements For Body Powders." 17 It's dated June 16, 2011. 18 Did I state that correctly? 19 A. Yes, you did. 20 Q. And this is a Johnson &amp; 21 Johnson quality and compliance 22 presentation? 23 A. Yes, it is. 24 Q. And if you will turn to -- I</p>

36 (Pages 138 to 141)

Donald Hicks

Page 142	Page 144
<p>1 was looking for a page number, but I'll 2 have to give you a Bates number at the 3 bottom. The Bates number ending 5310. 4 Do you see that? 5 A. Yes, I do. 6 Q. And the source -- excuse me. 7 The title of this PowerPoint slide is 8 "Analytical Detection Limits," correct? 9 A. That's correct. 10 Q. And the source for this 11 data, according to the PowerPoint, is the 12 RJ Lee Group? 13 MS. SHARKO: Wait. Time 14 out. All the -- each page of mine 15 has the same Bates number. But 16 above the Bates number there's a 17 pale gray number. 18 MS. O'DELL: Well, this is 19 a -- you're talking about -- this 20 is something that was produced to 21 us in native form, PowerPoint 22 only. 23 MS. SHARKO: I'm not -- I'm 24 not quarreling with you. I just</p>	<p>1 A. Yes. 2 Q. And you see below it, it has 3 PLM. What's the detection limit for PLM, 4 Mr. Hicks? 5 A. It's indicated as 1 percent 6 by RJ Lee. 7 Q. And at .1 percent detection 8 limit for XRD, that is a detection limit 9 of a thousand parts per million, true? 10 A. That's correct. 11 Q. Mr. Hicks, with a detection 12 limit of .1 percent, for both XRD and -- 13 well, for XRD, if a test of talc detects 14 material less than .1 percent or if it's 15 present in trace levels, it does not mean 16 that -- and the test results are 17 negative, that doesn't mean that the ore 18 is free of asbestos, does it? 19 MS. ECHTMAN: Objection. 20 Hypothetical. 21 THE WITNESS: It meets the 22 nondetectable limitation of the 23 equipment that's being used yes. 24 BY MS. O'DELL:</p>
Page 143	Page 145
<p>1 want to -- you referred him to a 2 Bates number, but all the pages 3 have the same Bates numbers. So I 4 want to make sure everybody is on 5 the same page. 6 MS. O'DELL: Fair, fair, 7 fair. This was not produced in 8 PDF. So there's only one Bates, 9 and it's in the file name. 10 MS. SHARKO: If you look 11 right above it there's page 12 numbers. 13 MS. O'DELL: Okay. Thank 14 you, Susan. 15 BY MS. O'DELL: 16 Q. Do you see it? It's 7, Page 17 7 -- excuse me -- Page 7. 18 A. Yes, I do see it. 19 Q. Okay. And the source of 20 this information is the RJ Lee Group, 21 correct? 22 A. That's correct. 23 Q. And the detection limit for 24 XRD is .1 to 1 percent, true?</p>	<p>1 Q. It does not mean that 2 asbestos is not present in that sample? 3 MS. ECHTMAN: Objection. 4 BY MS. O'DELL: 5 Q. True? 6 A. XRD in and of itself, no. 7 Q. So my statement was true? 8 MS. ECHTMAN: Objection. 9 BY MS. O'DELL: 10 Q. I just don't want us to be 11 cross talking on the record because of 12 the way you answered the question. 13 My question is, just because 14 there's a negative test does not mean 15 that there is not asbestos below the 16 detection limit of .1 true? 17 MS. ECHTMAN: Objection. 18 THE WITNESS: There's a 19 theoretical possibility. 20 BY MS. O'DELL: 21 Q. It's more than theoretical, 22 isn't it? You said that the testing 23 equipment itself has a limit of .1. So 24 it's unknown what amounts of asbestos</p>

37 (Pages 142 to 145)

Donald Hicks

Page 146	Page 148
<p>1 material would be less than .1, true?</p> <p>2 MS. ECHTMAN: Objection.</p> <p>3 THE WITNESS: If you simply</p> <p>4 look at XRD by itself in</p> <p>5 isolation, it's a theoretical</p> <p>6 possibility, yes.</p> <p>7 BY MS. O'DELL:</p> <p>8 Q. So the answer to my question</p> <p>9 is yes?</p> <p>10 MS. ECHTMAN: Objection.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. O'DELL:</p> <p>13 Q. Would you agree that TEM is</p> <p>14 the gold standard for testing for</p> <p>15 asbestos?</p> <p>16 MS. ECHTMAN: Objection to</p> <p>17 form.</p> <p>18 THE WITNESS: I have heard</p> <p>19 it called the gold standard.</p> <p>20 Again, doing only TEM in isolation</p> <p>21 is -- would not be recommended.</p> <p>22 So you need to do a multitude of</p> <p>23 testing to look for asbestos.</p> <p>24 BY MS. O'DELL:</p>	<p>1 A. That's true.</p> <p>2 Q. The proposal is being made</p> <p>3 because XRD and PLM can only detect at</p> <p>4 .1 percent, correct?</p> <p>5 A. It -- well it depends on the</p> <p>6 equipment, the capability of the</p> <p>7 individual, the number of samples that</p> <p>8 are looked at. And so the detection</p> <p>9 limit is dependent on many factors. If</p> <p>10 you look at a single sample, those are</p> <p>11 the standards that are typically</p> <p>12 referenced.</p> <p>13 Q. And indeed, that's the</p> <p>14 standard that RJ Lee referenced, is .1 to</p> <p>15 1 percent for XRD and 1 percent for PLM,</p> <p>16 correct?</p> <p>17 A. That's correct.</p> <p>18 Q. And as a part of this</p> <p>19 justification for the proposal, in</p> <p>20 addition to the detection limit, this</p> <p>21 states, "TEM is capable of PPM, or parts</p> <p>22 per million, detection depending on</p> <p>23 sample size and permits chemical analysis</p> <p>24 and verification of a detected fiber."</p>
Page 147	Page 149
<p>1 Q. And that testing would</p> <p>2 include TEM, certainly?</p> <p>3 A. It would.</p> <p>4 Q. And government agencies,</p> <p>5 academia, researchers, and others refer</p> <p>6 to TEM as the gold standard for asbestos</p> <p>7 detection; is that a correct statement?</p> <p>8 MS. ECHTMAN: Objection.</p> <p>9 THE WITNESS: I have not</p> <p>10 seen government officials citing</p> <p>11 that it was the gold standard and</p> <p>12 the primary standard to look for</p> <p>13 asbestos.</p> <p>14 BY MS. O'DELL:</p> <p>15 Q. Well, certainly, if you turn</p> <p>16 over to Page 13 of this document, a</p> <p>17 proposal is being made for the future of</p> <p>18 TEM testing application.</p> <p>19 Do you see that?</p> <p>20 A. Yes, I do.</p> <p>21 Q. And this proposal is being</p> <p>22 made for the testing of Baby Powder --</p> <p>23 Johnson &amp; Johnson's Baby Powder products,</p> <p>24 true?</p>	<p>1 Did I read that correctly?</p> <p>2 A. Yes.</p> <p>3 Q. It goes on to say, "Not part</p> <p>4 of compendia requirements, but known" --</p> <p>5 "TEM is known by government agencies,</p> <p>6 academia, researchers, and NGOs to be the</p> <p>7 gold and standard for asbestos</p> <p>8 detection."</p> <p>9 MS. ECHTMAN: Objection to</p> <p>10 form.</p> <p>11 BY MS. O'DELL:</p> <p>12 Q. Is that what that says?</p> <p>13 MS. ECHTMAN: Objection to</p> <p>14 form.</p> <p>15 THE WITNESS: That's what it</p> <p>16 says. Your original question was</p> <p>17 do government agencies refer to</p> <p>18 TEM as the gold standard.</p> <p>19 I have not heard that ever</p> <p>20 used -- that term used in</p> <p>21 reference to TEM by any government</p> <p>22 agency.</p> <p>23 BY MS. O'DELL:</p> <p>24 Q. I think you misheard me.</p>

38 (Pages 146 to 149)

Donald Hicks

Page 150	Page 152
<p>1 You said referred. I said known, which</p> <p>2 is exactly what this states, is that TEM</p> <p>3 is known as the gold standard. Are we in</p> <p>4 agreement on that statement?</p> <p>5 A. I think that we agree that</p> <p>6 TEM is highly valued by individuals, by</p> <p>7 experts outside of -- or relative to</p> <p>8 government agencies, academia,</p> <p>9 researchers, et cetera.</p> <p>10 It's the term "gold," I</p> <p>11 think I've never heard that in a document</p> <p>12 that I've seen from anybody on the</p> <p>13 outside.</p> <p>14 Q. You've never heard the term</p> <p>15 "gold standard"?</p> <p>16 A. I've heard it in the context</p> <p>17 of discussing it with management, yes.</p> <p>18 But I've not heard it from external</p> <p>19 individuals saying it is the gold</p> <p>20 standard.</p> <p>21 Q. J&amp;J considered TEM to be the</p> <p>22 gold standard for detection of asbestos</p> <p>23 in talc?</p> <p>24 A. Yes. It's not the only</p>	<p>1 to be a potential hazard in the</p> <p>2 right form at the right levels.</p> <p>3 BY MS. O'DELL:</p> <p>4 Q. And a hazard that causes or</p> <p>5 can cause cancer, true?</p> <p>6 MS. ECHTMAN: Objection.</p> <p>7 You can answer in your personal</p> <p>8 capacity.</p> <p>9 THE WITNESS: I think it's</p> <p>10 well documented from my</p> <p>11 perspective that it can cause</p> <p>12 mesothelioma.</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. Which is cancer?</p> <p>15 MS. ECHTMAN: Again, in his</p> <p>16 personal capacity.</p> <p>17 BY MS. O'DELL:</p> <p>18 Q. Which is cancer?</p> <p>19 MS. ECHTMAN: Same</p> <p>20 objection.</p> <p>21 BY MS. O'DELL:</p> <p>22 Q. You may answer.</p> <p>23 A. I know it as mesothelioma.</p> <p>24 I don't refer to it as cancer.</p>
Page 151	Page 153
<p>1 method.</p> <p>2 Q. What had happened prior to</p> <p>3 June of 2011 that would have generated a</p> <p>4 discussion of the testing of asbestos in</p> <p>5 talc?</p> <p>6 MS. ECHTMAN: Objection.</p> <p>7 THE WITNESS: Prior to that</p> <p>8 time period or around the time</p> <p>9 period, there were claims by other</p> <p>10 global government agencies about</p> <p>11 talc and questions about talc</p> <p>12 relative to asbestos. And so it</p> <p>13 became a very important management</p> <p>14 topic to review.</p> <p>15 BY MS. O'DELL:</p> <p>16 Q. And the reason it became a</p> <p>17 very important topic is because asbestos</p> <p>18 is known to be very hazardous to humans,</p> <p>19 true?</p> <p>20 MS. ECHTMAN: Objection.</p> <p>21 Outside the scope. You can answer</p> <p>22 in your personal capacity.</p> <p>23 THE WITNESS: Yeah,</p> <p>24 certainly asbestos is well known</p>	<p>1 Q. You know it is a type of</p> <p>2 cancer, though, Mr. Hicks, don't you?</p> <p>3 MS. ECHTMAN: Objection.</p> <p>4 And he can answer in his personal</p> <p>5 capacity.</p> <p>6 THE WITNESS: Yeah, I'm not</p> <p>7 the medical expert in this area,</p> <p>8 and I would defer to our medical</p> <p>9 experts.</p> <p>10 BY MS. O'DELL:</p> <p>11 Q. You are a 40-year employee</p> <p>12 of Johnson &amp; Johnson. Counsel keeps</p> <p>13 objecting saying that you can answer in</p> <p>14 your personal capacity, but not your</p> <p>15 professional capacity as a representative</p> <p>16 of Johnson &amp; Johnson.</p> <p>17 What you know about talc and</p> <p>18 asbestos and talc is from your experience</p> <p>19 as a 40-plus-year employee at Johnson &amp;</p> <p>20 Johnson, true?</p> <p>21 MS. ECHTMAN: Objection.</p> <p>22 THE WITNESS: Yes.</p> <p>23 BY MS. O'DELL:</p> <p>24 Q. And that knowledge was</p>

39 (Pages 150 to 153)

Donald Hicks

Page 154	Page 156
<p>1 obtained in your professional capacity, 2 true? 3 MS. ECHTMAN: Objection. 4 THE WITNESS: Yes. 5 BY MS. O'DELL: 6 Q. And it was part of your 7 expertise as a quality assurance member 8 of management to ensure that Johnson &amp; 9 Johnson's Baby Powder and Shower to 10 Shower did not contain hazardous 11 material, true? 12 A. That is -- 13 MS. ECHTMAN: Objection to 14 form. 15 THE WITNESS: That is 16 correct, part of my 17 responsibilities. I might add 18 that it's also the responsibility 19 of many others within J&amp;J, other 20 groups. 21 BY MS. O'DELL: 22 Q. In addition to CTFA Method 23 J4-1 being the testing method required by 24 Johnson &amp; Johnson for the testing of</p>	<p>1 identification as Exhibit 2 Hicks-10.) 3 BY MS. O'DELL: 4 Q. I've handed you Exhibit 10. 5 Is that a copy of Test Method 7024? 6 A. It is, yes. 7 Q. And is the purpose of this 8 test method to explain the quantification 9 of asbestiform minerals in powdered talc? 10 MS. ECHTMAN: Object to 11 form. 12 THE WITNESS: Yes, using a 13 transmission electron microscopy. 14 BY MS. O'DELL: 15 Q. And if you look down at 16 Paragraph 6, Mr. Hicks, it provides a 17 limit of quantifiable detection. 18 Do you see that? 19 A. Yes, I do. 20 Q. And it states that, "The 21 detection of five or more asbestiform 22 minerals of one variety in an analysis 23 constitutes a quantifiable level of 24 detection."</p>
Page 155	Page 157
<p>1 asbestos, there was also a testing method 2 called 7024, correct? 3 A. Yes. 4 Q. And what is 7024? 5 A. Test Method 7024 defines the 6 transmission electron microscopy test 7 method for asbestos in talc. 8 Q. And specifically 7024 9 controls the way that asbestos fibers are 10 counted for purposes of TEM testing, 11 true? 12 MS. ECHTMAN: Objection to 13 form. 14 THE WITNESS: Yes, it does 15 include that. 16 BY MS. O'DELL: 17 Q. Let me show you what I've 18 marked as Exhibit Number 9: 19 MR. SILVER: I think it 20 should be 10. 21 MS. O'DELL: Let me have 22 that back, sir. We'll mark it as 23 10. I apologize. 24 (Document marked for</p>	<p>1 Did I read that correctly? 2 A. Yes, it does. 3 Q. In other words, in order for 4 there to be a quantifiable level of 5 asbestos in a particular sample, there 6 had to be five or more fibers of the same 7 type of asbestos, true? 8 A. Provided that the definition 9 of quantifiable is that -- is that as an 10 analytical chemist you're able to 11 identify and report the amount that is 12 there. You may still report on one 13 fiber. But if you want to report the 14 amount, then calculate it, you need five 15 fibers to get that -- a meaningful result 16 in terms of the amount that would be 17 there. 18 Q. And meaningful according to 19 this particular test method? 20 A. Yes. 21 Q. In other test methods, 22 you'll agree with me that one fiber is 23 reported as meaningful and important? 24 MS. ECHTMAN: Objection to</p>

40 (Pages 154 to 157)

Donald Hicks

Page 158	Page 160
<p>1 form.</p> <p>2 THE WITNESS: Well, not only</p> <p>3 other test methods, but also this</p> <p>4 one. If you're looking at what is</p> <p>5 reportable, a single fiber is</p> <p>6 reportable. If you want to report</p> <p>7 how much, what percentage of</p> <p>8 material -- of the material is</p> <p>9 asbestos, you need at least five</p> <p>10 fibers in order to do a proper</p> <p>11 calculation.</p> <p>12 BY MS. O'DELL:</p> <p>13 Q. And if there were two fibers</p> <p>14 of one type of asbestos and one fiber --</p> <p>15 or three fibers of another type of</p> <p>16 asbestos, under this protocol, that would</p> <p>17 not be reported as a quantifiable level</p> <p>18 of detection?</p> <p>19 MS. ECHTMAN: Objection to</p> <p>20 form.</p> <p>21 THE WITNESS: It's the --</p> <p>22 the Section 6.0 talks about the</p> <p>23 amount, not whether you've</p> <p>24 detected it. It talks about the</p>	<p>1 Q. That -- according to 7024</p> <p>2 would be a -- one fiber would be below</p> <p>3 the quantifiable detection limit.</p> <p>4 Finding one fiber of asbestos according</p> <p>5 to 7024 would be below the quantifiable</p> <p>6 detection limit?</p> <p>7 A. I'm not -- I disagree with</p> <p>8 that strongly. This whole section talks</p> <p>9 about being able to determine the amount</p> <p>10 in terms of a percentage or parts per</p> <p>11 million or a weight percentage of the</p> <p>12 number of fibers that you found that are</p> <p>13 asbestos in your product so you can</p> <p>14 record it as two parts per million with</p> <p>15 some degree of reliability. And that's</p> <p>16 what this paragraph is referring to.</p> <p>17 Q. Even one fiber, according</p> <p>18 to -- excuse me, let me start again.</p> <p>19 Even one fiber would exceed</p> <p>20 Johnson &amp; Johnson's policy of no asbestos</p> <p>21 in its talcum powder products, true?</p> <p>22 A. That is correct, yes. Our</p> <p>23 standard is not detectable. Even a</p> <p>24 single fiber would cause that to be an</p>
Page 159	Page 161
<p>1 amount that you've detected. If</p> <p>2 you found one fiber, that would be</p> <p>3 a detected level of asbestos and</p> <p>4 would be reported as such.</p> <p>5 BY MS. O'DELL:</p> <p>6 Q. Well, in fact, the method</p> <p>7 states that the detection of five or more</p> <p>8 asbestiform minerals of one variety in an</p> <p>9 analysis constitutes a quantifiable</p> <p>10 level. That's what the specification</p> <p>11 states.</p> <p>12 MS. ECHTMAN: Objection. Go</p> <p>13 ahead.</p> <p>14 THE WITNESS: In order to</p> <p>15 calculate the mass or the</p> <p>16 percentage or the quantity of the</p> <p>17 asbestos, if it was detected, you</p> <p>18 would need at least five fibers in</p> <p>19 order to accurately quantify the</p> <p>20 amount that you have. If you have</p> <p>21 a single fiber, you're still going</p> <p>22 to report that as "I have found a</p> <p>23 single fiber of asbestos."</p> <p>24 BY MS. O'DELL:</p>	<p>1 issue.</p> <p>2 Q. You testified earlier that</p> <p>3 in addition to RJ Lee that you would</p> <p>4 defer to Imerys and its employees as</p> <p>5 experts in the testing of talc for</p> <p>6 asbestos?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know an individual by</p> <p>9 the name of Julie Pier?</p> <p>10 A. I have spoken with that</p> <p>11 individual, yes.</p> <p>12 Q. And did you speak with her</p> <p>13 during your employment with Johnson &amp;</p> <p>14 Johnson?</p> <p>15 A. Yes, I did.</p> <p>16 Q. And do you respect Ms. Pier</p> <p>17 and her expertise as a person who tests</p> <p>18 talc for asbestos?</p> <p>19 A. My understanding is that she</p> <p>20 is one of the asbestos talc testing</p> <p>21 experts within Imerys.</p> <p>22 (Document marked for</p> <p>23 identification as Exhibit</p> <p>24 Hicks-11.)</p>

41 (Pages 158 to 161)

Donald Hicks

Page 162	Page 164
<p>1 BY MS. O'DELL: 2 Q. Let me show you what I'm 3 going to mark as Exhibit 11. It's a 4 memorandum from Ms. Pier describing the 5 TM 7024 test method. 6 Do you see that? 7 A. Yes. 8 Q. And the purpose of the memo 9 is the explanation of the detection 10 limit. And you see it says, "Recently, 11 you asked for an explanation of the 12 reported detection limit of method TM 13 7024." 14 Do you see that? 15 A. Yes, I do. 16 Q. And that is in parens, 17 "Analysis of powdered talc for 18 asbestiform minerals by TEM, and it's 19 performed on Grade 66," which is a type 20 of talc. 21 Do you see that? 22 A. Yes, I see that it states 23 that, yes. 24 Q. And Ms. Pier explained,</p>	<p>1 detect something. The other one 2 is being able to quantify what you 3 detect. 4 Here she's talking about, 5 can I accurately quantify the 6 amount that I have in my 7 product -- if I detect -- how many 8 fibers do I need before I can make 9 that calculation. 10 She's agreeing with Test 11 Method 7024. 12 BY MS. O'DELL: 13 Q. What she is saying is, we 14 can say that it's below the quantifiable 15 detection despite the fact that there's 16 presence of multiple asbestos fibers, 17 true? 18 MS. ECHTMAN: Objection. 19 THE WITNESS: What she's 20 saying is that she cannot -- 21 cannot provide an accurate level 22 of the amount that's there based 23 upon finding less than five 24 fibers.</p>
Page 163	Page 165
<p>1 Paragraph 1, "The method states that the 2 limit of quantifiable detection is five 3 fibers. In other words, if only three 4 fibers are detected, we could say that 5 the amount detected is below the 6 quantifiable detection limit." 7 Do you see that? 8 A. Yes, I do. 9 Q. At least according to 10 experts in the field, the TM 7024 11 required that there be five or more 12 fibers of the same type in order for 13 there to be a quantifiable level of 14 detection and report it? 15 MS. ECHTMAN: Objection. 16 BY MS. O'DELL: 17 Q. Correct? 18 MS. ECHTMAN: Objection. 19 THE WITNESS: I think that 20 we need to be very careful here 21 because as an analytical -- in the 22 analytical world of testing, there 23 are really two things that you 24 consider. One is being able to</p>	<p>1 She can tell whether it's 2 there or not. She cannot provide 3 a quantifiable level. 4 BY MS. O'DELL: 5 Q. Even if it is unquantifiable 6 according to your definition of that 7 word, asbestos is still present, correct? 8 MS. ECHTMAN: Object to 9 form. 10 THE WITNESS: In this 11 hypothetical statement, yes, it 12 would still be present. And she 13 would still report it as having 14 found a fiber of asbestos. She 15 would not be able to quantify how 16 much she found. But she can say 17 that she's found two fibers, one 18 fiber, three fibers. 19 If she gets to five fibers, 20 she can provide a meaningful 21 calculation on the weight 22 percentage that is actually in the 23 product. 24 BY MS. O'DELL:</p>

42 (Pages 162 to 165)

Donald Hicks

Page 166	Page 168
<p>1 Q. But you would agree with me</p> <p>2 that one fiber violates Johnson &amp;</p> <p>3 Johnson's policy to be -- for its talcum</p> <p>4 powder products to be asbestos-free?</p> <p>5 A. We all agree, and I don't</p> <p>6 see Julie stating that is not the case.</p> <p>7 She in fact, by de facto review of this</p> <p>8 document, I think she's agreeing with the</p> <p>9 fact that even one fiber would be</p> <p>10 reported as detected; however, if I need</p> <p>11 a quantifiable limit to tell you how much</p> <p>12 is exactly is in that talc lot, I need at</p> <p>13 least five fibers to make that mass</p> <p>14 calculation correct and meaningful.</p> <p>15 Q. None of those words that</p> <p>16 you've just said are in the document that</p> <p>17 you're reading from, Mr. Hicks. I mean,</p> <p>18 all she says, if there's not five fibers,</p> <p>19 if it's three, for example, it's not</p> <p>20 quantifiable. That's all that paragraph</p> <p>21 says, correct?</p> <p>22 MS. ECHTMAN: Objection.</p> <p>23 THE WITNESS: Yes. But</p> <p>24 quantifiable means that I can</p>	<p>1 You can answer.</p> <p>2 THE WITNESS: In a</p> <p>3 hypothetical situation, yes. But</p> <p>4 she would still report it as</p> <p>5 identified fibers.</p> <p>6 I mean, we have to look at</p> <p>7 the quantifiable and the</p> <p>8 identification of a single fiber</p> <p>9 as two different things. It's</p> <p>10 apples and oranges in terms of its</p> <p>11 usefulness and meaning.</p> <p>12 MS. O'DELL: Why don't we</p> <p>13 take about a five-minute break</p> <p>14 now.</p> <p>15 THE VIDEOGRAPHER: The time</p> <p>16 is now 1:46. We are going off the</p> <p>17 record.</p> <p>18 (Short break.)</p> <p>19 THE VIDEOGRAPHER: The time</p> <p>20 is now 1:59. Back on the record.</p> <p>21 BY MS. O'DELL:</p> <p>22 Q. Mr. Hicks, before we took a</p> <p>23 short break, we were talking about</p> <p>24 finding a fiber in a talc sample after</p>
Page 167	Page 169
<p>1 provide a number to it, a quantity</p> <p>2 number to it.</p> <p>3 Nowhere in here is it saying</p> <p>4 that if she found less than five</p> <p>5 fibers she would not report it as</p> <p>6 being there.</p> <p>7 BY MS. O'DELL:</p> <p>8 Q. If there are less than five</p> <p>9 fibers in a sample and it is reported</p> <p>10 as -- asbestos is reported as not</p> <p>11 present, then that would be an incorrect</p> <p>12 statement, true?</p> <p>13 MS. ECHTMAN: Objection to</p> <p>14 form.</p> <p>15 THE WITNESS: Let me -- go</p> <p>16 ahead and repeat your question</p> <p>17 just to make sure that I'm clear.</p> <p>18 BY MS. O'DELL:</p> <p>19 Q. If there are less than five</p> <p>20 fibers in a sample and it is reported</p> <p>21 that asbestos is not present, then that</p> <p>22 would be a false statement?</p> <p>23 MS. ECHTMAN: Objection to</p> <p>24 form.</p>	<p>1 it's been tested with TEM.</p> <p>2 If an asbestos fiber was</p> <p>3 found when being analyzed by TEM, one</p> <p>4 fiber, who would that be reported to</p> <p>5 under Johnson &amp; Johnson's testing</p> <p>6 protocols?</p> <p>7 A. I think the -- I mean,</p> <p>8 ultimately it would come to -- would have</p> <p>9 come to me or somebody in my position</p> <p>10 from a reporting point of view.</p> <p>11 So you would expect that</p> <p>12 Imerys report that they found an issue or</p> <p>13 RJ Lee that they found a single fiber and</p> <p>14 if they didn't report it to me initially,</p> <p>15 I would be the one that would -- would</p> <p>16 have received that and taken action.</p> <p>17 Q. When you say that, what are</p> <p>18 you referring to?</p> <p>19 A. A fiber, an asbestos fiber</p> <p>20 in talc.</p> <p>21 Q. You are talking about the</p> <p>22 test results themselves?</p> <p>23 A. That's correct.</p> <p>24 Q. And why would they report</p>

43 (Pages 166 to 169)

Donald Hicks

Page 170	Page 172
<p>1 that to you?</p> <p>2 A. From a responsibility point</p> <p>3 of view, any major issues, no matter what</p> <p>4 they are, would come to ultimately to my</p> <p>5 attention. And you know, we would then</p> <p>6 decide as a management team where to go</p> <p>7 from there. But as the quality head for</p> <p>8 the baby line, it would certainly come to</p> <p>9 me.</p> <p>10 Q. So finding asbestos fibers</p> <p>11 in Baby Powder would be a serious issue?</p> <p>12 A. It would be.</p> <p>13 Q. And it's a serious issue</p> <p>14 because it puts at risk the babies and</p> <p>15 adults that are using Baby Powder</p> <p>16 products, true?</p> <p>17 MS. ECHTMAN: Objection.</p> <p>18 This is outside the scope of the</p> <p>19 areas where he's been designated</p> <p>20 as a 30(b)(6) witness. But I'll</p> <p>21 allow him to answer in his</p> <p>22 personal capacity.</p> <p>23 THE WITNESS: Yes, there's</p> <p>24 certainly a potential safety issue</p>	<p>1 management team.</p> <p>2 Q. And maybe you don't remember</p> <p>3 individuals' names, but what positions</p> <p>4 are you referring to, executive</p> <p>5 management positions are you referring to</p> <p>6 as the Baby executive -- I'm assuming you</p> <p>7 are talking about the Baby Powder or the</p> <p>8 Baby line?</p> <p>9 A. That's correct.</p> <p>10 Q. That executive management</p> <p>11 team, what positions would be included in</p> <p>12 that group?</p> <p>13 A. So this would be director</p> <p>14 and vice presidential levels for R&amp;D, for</p> <p>15 procurement, for quality assurance,</p> <p>16 safety, toxicology.</p> <p>17 Q. Would that executive team</p> <p>18 include executives outside of Johnson &amp;</p> <p>19 Johnson's Consumer, Inc.?</p> <p>20 A. Not at that time, no.</p> <p>21 Q. At some period of time has</p> <p>22 that executive team included, not only</p> <p>23 JJCI employees, but also J&amp;J employees?</p> <p>24 A. Not to my recollection.</p>
Page 171	Page 173
<p>1 and it would be taken with all due</p> <p>2 seriousness and communication to</p> <p>3 decisionmakers across the company.</p> <p>4 BY MS. O'DELL:</p> <p>5 Q. In 2011 in June of 2011, did</p> <p>6 you make a recommendation as to the</p> <p>7 action plan that should be put into place</p> <p>8 in the event that there was a positive</p> <p>9 test result or test results for asbestos</p> <p>10 in Baby Powder?</p> <p>11 A. The executive management at</p> <p>12 that time wanted to discuss what the</p> <p>13 scenarios might be. If asbestos were</p> <p>14 found I would put together a hypothetical</p> <p>15 example of one decision process one might</p> <p>16 make for discussion purposes.</p> <p>17 Q. Who was -- who in executive</p> <p>18 management asked you to undertake that</p> <p>19 project?</p> <p>20 A. Gosh. The specific names of</p> <p>21 the individuals at that time, you know, I</p> <p>22 don't recall who specifically asked for</p> <p>23 that. But I know it was asked for by</p> <p>24 the -- by sort of the Baby executive</p>	<p>1 Whether -- I mean it's difficult to say</p> <p>2 exactly what entity within J&amp;J folks were</p> <p>3 reporting to at any given time. I'm</p> <p>4 struggling with that.</p> <p>5 Q. In June of 2011, we've</p> <p>6 looked at this PowerPoint that was marked</p> <p>7 as an exhibit. Exhibit 9, I believe.</p> <p>8 Is the alert and action</p> <p>9 recommendation plan that you compiled</p> <p>10 contained on Page 13 of that PowerPoint?</p> <p>11 A. I have to look. Yes.</p> <p>12 Q. And according to your</p> <p>13 proposal, for an alert, that should</p> <p>14 happen if there's a detection of one</p> <p>15 single fiber, escalate, conduct</p> <p>16 investigation, and resample to determine</p> <p>17 level.</p> <p>18 Did I read that correctly?</p> <p>19 A. Yes, you did.</p> <p>20 Q. And if there was a test that</p> <p>21 showed less than five parts per million,</p> <p>22 no evidence of chronic issue and mine</p> <p>23 practices in control, no action</p> <p>24 warranted.</p>

44 (Pages 170 to 173)

Donald Hicks

Page 174	Page 176
<p>1 Did I read that correctly?</p> <p>2 A. Yes, you did.</p> <p>3 Q. If there was a test result</p> <p>4 that was greater than five parts per</p> <p>5 million, you describe that as a chronic</p> <p>6 issue, develop mitigation plan, which may</p> <p>7 include switch to new ore -- I'm assuming</p> <p>8 you are talking about talc ore -- body.</p> <p>9 Did I read that correctly?</p> <p>10 MS. ECHTMAN: Objection to</p> <p>11 form.</p> <p>12 THE WITNESS: Yes.</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. And if there was test</p> <p>15 results that were greater than ten parts</p> <p>16 per million, you described that as a</p> <p>17 chronic issue or -- excuse me. Greater</p> <p>18 or equal to ten parts per million,</p> <p>19 chronic issue, or 20 parts per million,</p> <p>20 single event, you remedies continue use</p> <p>21 of talc supply, correct?</p> <p>22 MS. ECHTMAN: Objection to</p> <p>23 form.</p> <p>24 THE WITNESS: Yes, that's</p>	<p>1 here, and we could not align to having an</p> <p>2 alert action level proposal.</p> <p>3 Q. And the team you're</p> <p>4 referring to is the senior executive</p> <p>5 team -- committee that invited you to</p> <p>6 make this proposal to them, correct?</p> <p>7 A. That's correct. They asked</p> <p>8 me to put together -- you know, was there</p> <p>9 any scenario under which an alert action</p> <p>10 type of situation might be utilized in</p> <p>11 the case of asbestos and talc. The</p> <p>12 takeaway from all that discussion,</p> <p>13 everyone agreed that this was not an</p> <p>14 option, it never went into the</p> <p>15 specification, and the specification</p> <p>16 remained at nondetected.</p> <p>17 Q. Did you present this</p> <p>18 PowerPoint as an oral presentation during</p> <p>19 this executive committee meeting?</p> <p>20 A. I did.</p> <p>21 Q. And were there Johnson &amp;</p> <p>22 Johnson employees present at that</p> <p>23 meeting?</p> <p>24 A. It was all Johnson &amp; Johnson</p>
Page 175	Page 177
<p>1 what it states.</p> <p>2 BY MS. O'DELL:</p> <p>3 Q. It also states -- it says,</p> <p>4 "Note, ten parts per million equal 1/100</p> <p>5 of XRD limit of detection."</p> <p>6 Did I read that correctly?</p> <p>7 A. Yes.</p> <p>8 Q. Those were -- those were</p> <p>9 your words and recommendation in June of</p> <p>10 2011?</p> <p>11 A. It was not my</p> <p>12 recommendation. You have to understand</p> <p>13 the context. The context was our</p> <p>14 requirements were nondetected, and the</p> <p>15 global team -- the global team working on</p> <p>16 baby wanted to know if there were any</p> <p>17 other options than having a single fiber</p> <p>18 being a failure. And what would be the</p> <p>19 action if we did find a single fiber.</p> <p>20 And so this was a proposal,</p> <p>21 theoretical proposal put together of one</p> <p>22 way you could go. It was discussed with</p> <p>23 the team. And my recollection is that</p> <p>24 the team said no, we understand the issue</p>	<p>1 employees at that meeting.</p> <p>2 Q. Were there executives of --</p> <p>3 A. Excuse me. So let me</p> <p>4 clarify. When we talk about Johnson &amp;</p> <p>5 Johnson, it's all of Johnson &amp; Johnson,</p> <p>6 including consumer. I mean, these were</p> <p>7 all consumer folks. There may have been</p> <p>8 some legal folks there. I don't know.</p> <p>9 Q. Let me ask you a couple of</p> <p>10 follow-up questions about some other</p> <p>11 testing methods. Let me show you what</p> <p>12 I'm marking as Plaintiff's Exhibit Number</p> <p>13 12.</p> <p>14 (Document marked for</p> <p>15 identification as Exhibit</p> <p>16 Hicks-12.)</p> <p>17 BY MS. O'DELL:</p> <p>18 Q. This is a Test Method 7169.</p> <p>19 Do you see that?</p> <p>20 A. Yes, I do.</p> <p>21 Q. And it's entitled "Arsenic</p> <p>22 Content, Talc"?</p> <p>23 A. Yes, it is.</p> <p>24 Q. And according to this</p>

45 (Pages 174 to 177)

Donald Hicks

Page 178	Page 180
<p>1 specification that the level of arsenic 2 in talcum powder was required to be less 3 than 2.5 parts per million. 4 A. I'm sorry. Where are you 5 reading? 6 Q. I'm actually looking at the 7 last page. I'm just trying to establish, 8 one, the test method that was 9 appropriate, and is this the controlling 10 document for that; and number two, was 11 the -- essentially the upper limit of 12 normal was at 2.5 parts per million for 13 arsenic. 14 MS. ECHTMAN: Objection to 15 form. 16 THE WITNESS: I think it's 17 difficult for me to comment on 18 this in that this document was 19 from the early to mid-'90s. And 20 so I don't really have any 21 background in this particular 22 document. 23 I can indicate that it 24 appears to be equivalent to the</p>	<p>1 marking as Exhibit 13. 2 (Document marked for 3 identification as Exhibit 4 Hicks-13.) 5 BY MS. O'DELL: 6 Q. This is a test method for 7 lead and cadmium. Are you familiar with 8 this document? 9 A. Let me take a look at it. 10 It's stated in this document 11 that it is for the adult skin and hair 12 care business and not the baby business, 13 so I don't know that that's a linkage of 14 this one to the specifications between 15 2006 and 2017. 16 Q. You can put that aside. In 17 regard to chromium, you're welcome to 18 look at it. This is the specification 19 that was in effect in March 24, 2010. 20 It's in your notebook there at -- 21 A. Do you have the tab number? 22 Q. Yeah, I was just about to 23 say that. Thank you. Tab 4. 24 A. Tab 4.</p>
Page 179	Page 181
<p>1 USP method. It uses essentially 2 the same process. But that's 3 about as far as I can... 4 BY MS. O'DELL: 5 Q. Was this test method the 6 prescribed test method for arsenic from 7 the time period 2006 to 2017? 8 A. I would have to look at the 9 specification, if that's okay with you. 10 Q. Yeah. Sure. Absolutely. 11 A. So I'm looking at -- this is 12 Exhibit 6. So it has limit of arsenic as 13 defined by the Bureau of Indian Standards 14 1462 or you can use inductive coupling 15 plasma method. The limit is defined as 2 16 PPM. 17 Q. And, I mean, I'm not trying 18 to be tricky here. So this -- this 19 specification, this test method was not 20 in effect during the time period that you 21 were with quality assurance? 22 A. To my knowledge, it was not 23 in effect. 24 Q. Let me show you what I'm</p>	<p>1 Q. So the limit of chromium, 2 according to the specification, was no 3 more than .5 parts per million, correct? 4 A. That's correct. 5 Q. And chromium is a Group 1 6 carcinogen as designated by IARC, 7 correct? 8 MS. ECHTMAN: I object that 9 it's outside the scope of the 10 topics that Mr. Hicks has been 11 designated on pursuant to the 12 30(b)(6) notice. But I will allow 13 him to answer in his personal 14 capacity if he can. 15 THE WITNESS: Yeah, that 16 information would typically be 17 handled by our toxicologist and 18 medical safety team who provide 19 the input to the limits that are 20 defined in the specifications. 21 Typically these limits are not 22 based upon a safety limit 23 necessarily. They're based upon a 24 historical pattern for the talc</p>

46 (Pages 178 to 181)

Donald Hicks

Page 182	Page 184
<p>1 that has been tested, and if you</p> <p>2 look at it to make sure they're</p> <p>3 well under the safety limit.</p> <p>4 BY MS. O'DELL:</p> <p>5 Q. .5 parts per million had</p> <p>6 been the specification for the limit of</p> <p>7 chromium in talc for a number of years,</p> <p>8 as of 2010, correct?</p> <p>9 A. That's correct, yes.</p> <p>10 Q. And in terms of the safety</p> <p>11 issue, you're familiar with IARC, I'm</p> <p>12 assuming, as a quality assurance --</p> <p>13 A. Yeah, I know them. I'm</p> <p>14 not -- I wouldn't say that I was familiar</p> <p>15 with them. I don't work on their</p> <p>16 subcommittees or go to their meetings or</p> <p>17 get their literature.</p> <p>18 Q. And certainly you would know</p> <p>19 that they evaluate compounds like</p> <p>20 chromium for purposes of determining</p> <p>21 whether they are carcinogenic to humans,</p> <p>22 true?</p> <p>23 MS. ECHTMAN: Objection</p> <p>24 outside of the scope of the topics</p>	<p>1 Q. If I represent to you that</p> <p>2 that's the case, Mr. Hicks, do you have</p> <p>3 any reason to believe that I'm not being</p> <p>4 truthful to you in saying that they have</p> <p>5 determined that chromium, it can cause</p> <p>6 cancer in humans?</p> <p>7 MS. ECHTMAN: Same</p> <p>8 objection.</p> <p>9 THE WITNESS: The only thing</p> <p>10 that I will state is that there</p> <p>11 are different types of chromium</p> <p>12 per conversations that I've had</p> <p>13 with our toxicologists, the</p> <p>14 medical safety team, and some are</p> <p>15 more of a concern than others.</p> <p>16 This morning I took chromium</p> <p>17 as part of my multivitamin, so...</p> <p>18 BY MS. O'DELL:</p> <p>19 Q. In terms of chromium, for</p> <p>20 the talc that was being mined in China,</p> <p>21 in the time period 2011, there were</p> <p>22 consistent elevated amounts of chromium</p> <p>23 above .5 parts per million, true?</p> <p>24 MS. ECHTMAN: Objection to</p>
Page 183	Page 185
<p>1 Mr. Hicks has been designated on,</p> <p>2 but I'll allow him to answer in</p> <p>3 his personal capacity.</p> <p>4 THE WITNESS: Yes, I am</p> <p>5 aware that they do evaluate not</p> <p>6 only elements, but compounds for</p> <p>7 carcinogenicity as well as cancer</p> <p>8 issues.</p> <p>9 BY MS. O'DELL:</p> <p>10 Q. Based on your professional</p> <p>11 knowledge, your 40 years of experience,</p> <p>12 were you aware that they had reviewed</p> <p>13 chromium and determined that it can cause</p> <p>14 cancer in humans?</p> <p>15 MS. ECHTMAN: Objection.</p> <p>16 I'll allow Mr. Hicks to answer in</p> <p>17 his personal capacity.</p> <p>18 THE WITNESS: Yeah, again,</p> <p>19 that's not my area of expertise.</p> <p>20 I really look to our toxicology</p> <p>21 group and our medical safety group</p> <p>22 for making those kinds of</p> <p>23 judgments.</p> <p>24 BY MS. O'DELL:</p>	<p>1 form.</p> <p>2 THE WITNESS: And this is</p> <p>3 based on?</p> <p>4 BY MS. O'DELL:</p> <p>5 Q. Review of documents that</p> <p>6 Johnson &amp; Johnson has produced to us in</p> <p>7 this litigation.</p> <p>8 A. I am aware that we needed --</p> <p>9 that there was a desire to change the</p> <p>10 specification, so that we were well</p> <p>11 within the safety limits but more in line</p> <p>12 with the likely amount of chromium that</p> <p>13 was being found across the world.</p> <p>14 Q. In fact, the Chinese ore</p> <p>15 consistently tested above .5 parts per</p> <p>16 million for chromium, and that resulted</p> <p>17 in an out of specification alert from a</p> <p>18 quality and safety standpoint, true?</p> <p>19 MS. ECHTMAN: Objection.</p> <p>20 THE WITNESS: I think that</p> <p>21 the word "consistency" is not my</p> <p>22 recollection at all. There were</p> <p>23 issues where we were either at or</p> <p>24 just slightly above that limit,</p>

47 (Pages 182 to 185)

Donald Hicks

Page 186	Page 188
<p>1 had a discussion, we talked to the 2 toxicologists, the medical team, 3 and they agreed that we can safely 4 change the limit just slightly. 5 BY MS. O'DELL: 6 Q. When a test is above the 7 allowable limit, that results in 8 something called an OSS, doesn't it? 9 MS. ECHTMAN: Objection. 10 THE WITNESS: In some 11 organizations, yes. In Johnson &amp; 12 Johnson that would be, yes. 13 BY MS. O'DELL: 14 Q. Okay. And what does OSS 15 stand for? 16 A. So that's out of 17 specification. 18 Q. And in terms of quality 19 assurance, an OSS, or an out of 20 specification test or series of tests is 21 a problem, true? 22 A. It's certainly an area that 23 needs attention, yes. 24 Q. Yes. And I said OSS, my</p>	<p>1 Q. True? 2 A. Yeah, certainly we would 3 investigate this right away. 4 Q. As a result of the fact 5 that -- let me strike that. 6 The amount of chromium in 7 the Chinese ore was running about three 8 parts per million. 9 Do you recall that? 10 MS. ECHTMAN: Objection to 11 form. 12 THE WITNESS: I don't recall 13 that specifically as to what the 14 level was, nor what the mine was 15 that level that you're speaking 16 about was found in. 17 BY MS. O'DELL: 18 Q. And I'm talking about -- I'm 19 talking about mines -- the mine in China 20 from which Baby Powder was sourced. 21 A. I understand that, yes. 22 Q. And there were reports, 23 multiple reports showing that the amount 24 of chromium was greater than the</p>
Page 187	Page 189
<p>1 colleague kindly remind me that I was 2 saying OSS instead of OOS. Thank you. 3 MS. ECHTMAN: I didn't want 4 to correct you, but I didn't want 5 to be accused of coaching anybody. 6 MS. O'DELL: You can coach 7 me if you would like. I'll 8 listen. 9 BY MS. O'DELL: 10 Q. OOS, out of specification, 11 to be clear. 12 A. That's correct. 13 Q. And so if a test report came 14 back, was above the limit of the 15 allowable limit, that would generate 16 essentially an OOS report, correct? 17 A. That's correct. 18 Q. And part of good 19 manufacturing practices is to address out 20 of specification reports as soon as 21 possible. 22 MS. ECHTMAN: Object to 23 form. 24 BY MS. O'DELL:</p>	<p>1 acceptable limit, .5 parts per million. 2 Do you recall that? 3 A. I know that we have had 4 issues with some test reports from some 5 mines where it was above .5. The 6 specifics, I do not recall at this point. 7 We ultimately changed the 8 spec to reflect, not only a safe level, 9 but one that was more indicative of the 10 historical trend coming out of all the 11 mines. 12 Q. And it was changed in order 13 that the test result would consistently 14 be within the upper limit, rather than be 15 an out of specification, true? 16 MS. ECHTMAN: Objection to 17 form. 18 THE WITNESS: We asked the 19 medical team and the toxicity team 20 if there was a recommendation to 21 allow that specification to be 22 modified. And they felt we were 23 well within the safety limits to 24 go slightly higher, which we</p>

48 (Pages 186 to 189)

Donald Hicks

Page 190	Page 192
<p>1 ultimately did. 2 BY MS. O'DELL: 3 Q. And you recommended yourself 4 that the upper limit should be changed 5 from .5 parts per million to seven parts 6 per million, true? 7 A. I don't recall that, no. 8 Q. Okay. Well, ultimately 9 after that recommendation, the limit for 10 chromium was changed to seven parts per 11 million. 12 MS. ECHTMAN: Objection. 13 Foundation. And objection to 14 form. 15 MS. O'DELL: Well let me 16 strike that, and I'll start again. 17 BY MS. O'DELL: 18 Q. Take a look at Tab 4 of your 19 notebook, Mr. Hicks, with the 20 specifications. 21 And this was a specification 22 issued on December 16, 2010. 23 A. Yes, I see that. 24 Q. And the upper limit for</p>	<p>1 MS. O'DELL: JNJMC 2 000009937. 3 BY MS. O'DELL: 4 Q. We talked -- 5 A. But just if I can interject. 6 Previously you said that it was changed 7 to seven PPM, which I wasn't aware that 8 that had ever happened. I just want to 9 make sure that I'm clear. Two PPM, yes, 10 I'm aware of. 11 Q. Yes, okay. That's fair. 12 A. Okay. 13 Q. The -- we talked earlier -- 14 you can put that away, Mr. Hicks. We 15 talked earlier about all the talc that 16 was used in Baby Powder during the time 17 period that you're speaking to, 2006 to 18 2017 originated in China. You remember 19 that, that discussion and we talked about 20 the mines? 21 A. Mm-hmm. Yes, I do remember 22 that. 23 Q. Have you ever visited the 24 mine in China?</p>
Page 191	Page 193
<p>1 chromium was changed as follows. 2 The maximum acceptable level 3 became two parts per million, true? 4 A. I would have to look at a 5 specification that reflected that change. 6 Q. I thought I directed you to 7 one. 8 MS. ECHTMAN: Are you on Tab 9 4 or Tab 5? 10 MS. O'DELL: Tab 5. 11 MS. ECHTMAN: I think you 12 said Tab 4. 13 THE WITNESS: Yeah, that -- 14 MS. O'DELL: I apologize if 15 I did. I didn't intend to. 16 BY MS. O'DELL: 17 Q. Tab 5. Do you see that? 18 A. Yeah. Yeah. 19 Q. So it was changed to two 20 parts per million as the acceptable 21 level? 22 A. That's correct. 23 MR. SILVER: Can you give us 24 the Bates number for that, please?</p>	<p>1 A. I have not. My team has. 2 Q. Who on your team visited the 3 mine? 4 A. It was one of our raw 5 material external manufacturing team 6 members, Mark Zappa. I believe at the 7 time he was a manager or senior manager 8 for quality assurance. 9 Q. And when did that audit or 10 site visit occur? 11 A. That occurred in 2011. 12 Q. And at this point -- strike 13 that. 14 Prior to Mr. Zappa's visit 15 to the mine in China, had a Johnson &amp; 16 Johnson employee audited or visited the 17 mine there in China? 18 A. Not from -- starting with 19 2006 when I became engaged. 20 Q. And talc was sourced from 21 that mine for Baby Powder beginning in 22 2003, correct? 23 A. That's correct. Yes. 24 Q. And so talc had been mined</p>

49 (Pages 190 to 193)

Donald Hicks

<p style="text-align: right;">Page 194</p> <p>1 from the Chinese mine for a little over 2 eight years before there was a site visit 3 by Johnson &amp; Johnson employee, true? 4 MS. ECHTMAN: Objection. 5 THE WITNESS: That is 6 correct. Our trusted partners, 7 Imerys, had oversight to that mine 8 and did have boots on the ground 9 often from my understanding. 10 (Document marked for 11 identification as Exhibit 12 Hicks-14.) 13 BY MS. O'DELL: 14 Q. Let me show you what I'm 15 marking as Exhibit Number 14 and ask if 16 you can identify that for me, please. 17 A. Yes. So this was a post 18 visit to the China mine slide deck that 19 was prepared by Mark Zappa, senior 20 manager of quality assurance, dated 21 April 15, 2011. It's entitled "Guilin 22 Giguang Talc Mine and Grinding EMQA Trip 23 Review." 24 This was a management</p>	<p style="text-align: right;">Page 196</p> <p>1 number of tons that they were extracting 2 from the mine as a whole. J&amp;J, well 3 Imerys and ultimately J&amp;J were pulling a 4 fraction of that. 5 Q. What's your estimate of the 6 amount of that that would ultimately be 7 used in talcum powder products on a 8 yearly basis? 9 MS. ECHTMAN: Objection. 10 Overly broad and outside the 11 scope. 12 THE WITNESS: Yeah, I could 13 only speculate at that. And I 14 think there are others that have a 15 much more clear picture as to how 16 much was being pulled out for J&amp;J. 17 BY MS. O'DELL: 18 Q. You mentioned in our 19 discussion previously on specification 20 and specifically testing of unique ore 21 lots. Do you remember that? 22 A. Yes, I do. 23 Q. And you were referring to 24 ore lots, and let me ask a question.</p>
<p style="text-align: right;">Page 195</p> <p>1 presentation in terms of output or 2 findings from his trip and what was the 3 discussion topic at -- by the Baby 4 business team. 5 Q. If you will turn to Page 8 6 of the document. You'll see that it's an 7 overview of the mine. And it's Guiguang 8 mine. Is that how you would say it? 9 A. It's a difficult one, not 10 speaking Chinese. Guiguang is another 11 interpretation of how one might say that. 12 I would defer to you though. 13 Q. Well, we'll labor on 14 together. 15 So this was the mine that 16 sourced Baby Powder and Shower to Shower 17 talc. It was an open pit mine, correct? 18 A. Yes, mm-hmm. 19 Q. And it says that the mine 20 output was 150,000 tons per year. 21 Was that tonnage, tonnage 22 that was allotted for or estimated for 23 J&amp;J's use on a yearly basis? 24 A. No, that was really the</p>	<p style="text-align: right;">Page 197</p> <p>1 Is an ore lot, from your 2 perspective, a term of art that denotes a 3 specific amount? In other words, is 4 there a certain tonnage that is -- that 5 composes an ore lot? 6 A. I've never seen the actual 7 definition, but what I've heard explained 8 to me is that if a customer, and Imerys 9 would be a customer, if they ordered a 10 specific amount, that a quantity will be 11 segregated for them at the -- you know, 12 of the purity level that they were asking 13 for. 14 Q. So if I am understanding 15 what you're saying, are you saying that 16 an ore lot would be the amount of talc 17 that has actually been ordered? 18 A. That's how it was explained 19 to me. If that's how it operates in 20 actual practice, I don't really know. 21 But that's my understanding, yes. 22 I think it should be pointed 23 out as well that Imerys also as another 24 customer who may be using the same ore</p>

50 (Pages 194 to 197)

Donald Hicks

<p style="text-align: right;">Page 198</p> <p>1 from the same ore lot or have other ore 2 lots that are coming into the Houston 3 facility. 4 Q. Who accompanied Mr. Zappa on 5 this site visit or audit? 6 A. We -- because we are not 7 mine experts, we contracted with RJ Lee 8 Group who has a mine consulting part of 9 their operation or part of their 10 business. And that was a person by the 11 name of Drew Van Orden who accompanied 12 Mark Zappa over to the mine in China. We 13 additionally had some representatives 14 from Johnson &amp; Johnson China also who 15 were on this visit. 16 Q. Let me ask you to turn to 17 Page 35. There is a slide that 18 essentially is divided in half. 19 There's -- one half describes the current 20 mine-to-bottle process. 21 Do you see that? 22 A. Yes, I do. 23 Q. Is that an accurate 24 mine-to-bottle process in April of 2011?</p>	<p style="text-align: right;">Page 200</p> <p>1 A. I've heard it called Guilin. 2 Q. Guilin. So from the mine, 3 the talc traveled to Guilin rail yard by 4 truck, and then from -- by rail to port 5 in Hong Kong, by -- from the port in Hong 6 Kong to the port in Houston by sea, from 7 the port in Houston to Rio Tinto's 8 headquarter by truck in Texas, whereby 9 they would grind and decontaminate to 10 silo. 11 Rio Tinto to Pharma Tech or 12 PTI by rail. Silo to dedicated sanitized 13 tankers. And then rail to silo at PTI, 14 and in silo to blend/fill at PTI; is that 15 correct? 16 A. Yeah. This is an extremely 17 high view of the process mostly from 18 around the transportation perspective. 19 Q. And my question really is, 20 would that be an accurate high level 21 view, albeit, but high level view of the 22 steps of the manufacturing process 23 throughout the time period that you're 24 here to talk about today, 2006 to '17?</p>
<p style="text-align: right;">Page 199</p> <p>1 A. Yeah, I think the current -- 2 the column that says current 3 mine-to-bottle process is a very 4 abbreviated description of the steps that 5 talc takes before reaching the PTI plant 6 in Royston, Georgia. 7 Q. But it -- though it may be 8 not as detailed as some other 9 descriptions, is that an accurate 10 mine-to-bottle process in 2011? 11 A. I believe so. I didn't 12 write it. Mark Zappa did. But I believe 13 that would be accurate. 14 Q. Okay. And is that 15 description an accurate description for 16 the time period 2012 to 2017? 17 A. I believe that it is in 18 general, and so some variation. 19 Q. In other words, from 2006 to 20 2017, it would have been mined in China, 21 it would have been put on -- it would 22 have been taken from the mine to the rail 23 yard by truck there in China, the Guilin. 24 Do you know how to say that?</p>	<p style="text-align: right;">Page 201</p> <p>1 A. At a very high level, I 2 think, yes. I mean, there are a lot of 3 steps going on in between all these, of 4 course. But I think that they were 5 looking at the transportation process, 6 you know, where it was shipped, and how 7 it was shipped, how it was transported. 8 That sort of thing. 9 Q. Have you spoken to anyone at 10 Imerys in preparation for your deposition 11 here today? 12 A. I have not. 13 Q. Since your retirement in 14 2017 have you spoken to any employees or 15 former employees of Imerys? 16 A. I have not. 17 Q. Have -- strike that. 18 Are you aware of any audits 19 conducted by Imerys of the Chinese mining 20 company? 21 A. I have not seen any formal 22 audits that have come across my desk. My 23 understanding in talking to Imerys is 24 that they did have representatives there</p>

Donald Hicks

Page 202	Page 204
<p>1 at the mine on a regular basis.</p> <p>2 Q. Has Johnson &amp; Johnson</p> <p>3 conducted any audits of Imerys?</p> <p>4 A. I personally have not seen a</p> <p>5 formal audit report. It doesn't mean one</p> <p>6 doesn't exist. But I personally have not</p> <p>7 seen it. There have been many trips to</p> <p>8 the Houston facility for various topics,</p> <p>9 to understand the process, to look at the</p> <p>10 performance, to look at the types of</p> <p>11 equipment that they use, to look at</p> <p>12 possible changes to the process. And,</p> <p>13 you know, I was personally on a couple of</p> <p>14 those trips at least, two or three.</p> <p>15 (Document marked for</p> <p>16 identification as Exhibit</p> <p>17 Hicks-15.)</p> <p>18 BY MS. O'DELL:</p> <p>19 Q. Let me show you what I'm</p> <p>20 marking as Exhibit 15. Have -- this is a</p> <p>21 document entitled "Supplier Audit Report"</p> <p>22 by Intertek dated April 29, 2009. Have</p> <p>23 you seen this document before?</p> <p>24 A. I specifically don't recall</p>	<p>1 type would have been done under the</p> <p>2 auspices of quality assurance, true?</p> <p>3 A. That's correct.</p> <p>4 Q. And that would have been</p> <p>5 under your responsibility as senior</p> <p>6 director of product quality?</p> <p>7 A. Not in 2009. That</p> <p>8 responsibility in 2009 had been split by</p> <p>9 then where raw material suppliers and</p> <p>10 third-party suppliers were being managed</p> <p>11 by a breakoff group that focused on those</p> <p>12 kinds of activities.</p> <p>13 My focus at that point was</p> <p>14 the -- was baby products in general, all</p> <p>15 of the baby products.</p> <p>16 Q. But Johnson &amp; Johnson -- I</p> <p>17 appreciate what you're saying that at</p> <p>18 that moment may not have been under your</p> <p>19 auspices, but Johnson &amp; Johnson</p> <p>20 commissioned an audit of Imerys as a</p> <p>21 supplier of talc, true?</p> <p>22 A. That's correct.</p> <p>23 Q. And this information would</p> <p>24 have been provided to Johnson &amp; Johnson,</p>
Page 203	Page 205
<p>1 this document. It doesn't mean that I</p> <p>2 didn't see it. There were thousands of</p> <p>3 documents that one looks at on an annual</p> <p>4 basis.</p> <p>5 Q. Well, it's a supplier audit</p> <p>6 report. It's dated April 23, 2009. It's</p> <p>7 an audit of Rio Tinto which is the</p> <p>8 former -- the predecessor company for</p> <p>9 Imerys?</p> <p>10 MR. FERGUSON: Object to the</p> <p>11 form of the question.</p> <p>12 BY MS. O'DELL:</p> <p>13 Q. It is the audit scope if you</p> <p>14 look on Page 1 of the document. It is a</p> <p>15 third-party audit performed by Intertek</p> <p>16 USA, d/b/a QTI on behalf of Johnson &amp;</p> <p>17 Johnson Consumer Companies, Inc.</p> <p>18 "The audit will verify that</p> <p>19 adequate quality systems are in place to</p> <p>20 ensure the quality of materials supplied</p> <p>21 to Johnson &amp; Johnson Consumer Companies."</p> <p>22 Did I read that correctly?</p> <p>23 A. Yes, that is accurate.</p> <p>24 Q. And a supplier audit of this</p>	<p>1 this report?</p> <p>2 A. Yes.</p> <p>3 Q. And this audit includes</p> <p>4 particular audit findings that reported</p> <p>5 on you know various topics regarding</p> <p>6 computerized systems, samples,</p> <p>7 laboratory, process validation, and</p> <p>8 production.</p> <p>9 MS. ECHTMAN: Objection to</p> <p>10 form.</p> <p>11 BY MS. O'DELL:</p> <p>12 Q. Do you see that, Mr. Hicks?</p> <p>13 A. Yes, I understand that to be</p> <p>14 the general area that was reviewed, yes.</p> <p>15 Q. And if you'll turn to Page 7</p> <p>16 of the audit report, you'll see that</p> <p>17 there was a major finding in relation to</p> <p>18 production.</p> <p>19 Do you see that?</p> <p>20 A. I'm reading it now, yes.</p> <p>21 MR. FERGUSON: I'll object</p> <p>22 to the form of the question.</p> <p>23 THE WITNESS: Yes, I do see</p> <p>24 that.</p>

52 (Pages 202 to 205)

Donald Hicks

Page 206	Page 208
<p>1 BY MS. O'DELL:</p> <p>2 Q. And if you turn to the next</p> <p>3 page, on Page 8, it defines -- it defines,</p> <p>4 excuse me, what is involved with a major</p> <p>5 audit finding.</p> <p>6 Do you see that?</p> <p>7 A. Yes, I do.</p> <p>8 Q. And a major audit finding</p> <p>9 is, "An observation is defined as major</p> <p>10 when any one or more of the following two</p> <p>11 conditions apply: Number 1, any</p> <p>12 nonconformance or noncompliance that if</p> <p>13 allowed to continue has moderate risk of</p> <p>14 adversely affecting product quality, and</p> <p>15 the observation represents a significant</p> <p>16 gap and/or gaps in an application of one</p> <p>17 or more quality elements or system</p> <p>18 components necessary to meet regulatory</p> <p>19 requirements. This includes systematic</p> <p>20 lack of documented evidence of the</p> <p>21 application of the key elements."</p> <p>22 Do you see that?</p> <p>23 MS. ECHTMAN: Objection.</p> <p>24 THE WITNESS: Yes, I do see</p>	<p>1 shipping. The bulk ore is shipped to the</p> <p>2 Houston port from China. There is a</p> <p>3 pre-inspection prior to offloading. The</p> <p>4 shipment is loaded onto trucks and</p> <p>5 delivered and stored in designated areas</p> <p>6 using concrete barriers to keep the</p> <p>7 shipments" -- excuse me -- "to keep the</p> <p>8 different shipments separated.</p> <p>9 "The batch records do not</p> <p>10 identify the shipments of ore used for</p> <p>11 final product. In some cases when one</p> <p>12 shipment is depleted, another shipment</p> <p>13 may be used to supplement the raw</p> <p>14 material requirements for production.</p> <p>15 However, there is no traceability of what</p> <p>16 shipments of ore were used for the</p> <p>17 production of the final material."</p> <p>18 Did I read that correctly?</p> <p>19 MS. ECHTMAN: Objection.</p> <p>20 THE WITNESS: That's what it</p> <p>21 states, yes.</p> <p>22 BY MS. O'DELL:</p> <p>23 Q. And based on this audit of</p> <p>24 the processing plant, the Houston plant,</p>
Page 207	Page 209
<p>1 that.</p> <p>2 BY MS. O'DELL:</p> <p>3 Q. And so this audit -- if</p> <p>4 you'll turn back to Page 5, there's an</p> <p>5 audit summary -- resulted in five major</p> <p>6 findings and five minor findings</p> <p>7 regarding Imerys, correct?</p> <p>8 MR. FERGUSON: Object to</p> <p>9 form.</p> <p>10 MS. ECHTMAN: Objection.</p> <p>11 THE WITNESS: I do see the</p> <p>12 audit summary, yes.</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. And if you'll turn to Page 7</p> <p>15 again. You'll see that one of those</p> <p>16 major findings relates to production.</p> <p>17 And that production refers to the</p> <p>18 production of talc ore, correct?</p> <p>19 MS. ECHTMAN: Objection.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MS. O'DELL:</p> <p>22 Q. And the finding states, "The</p> <p>23 batch records have no traceability for an</p> <p>24 incoming raw materials to final materials</p>	<p>1 there was no way to accurately trace raw</p> <p>2 materials from China through the Houston</p> <p>3 plant with accuracy, correct?</p> <p>4 MS. ECHTMAN: Objection to</p> <p>5 form.</p> <p>6 THE WITNESS: Well, I did</p> <p>7 not take part in the audit. And</p> <p>8 you know, these are of course</p> <p>9 opinions from the Intertek</p> <p>10 auditing team.</p> <p>11 BY MS. O'DELL:</p> <p>12 Q. And that certainly is what</p> <p>13 is being stated there, that there's no</p> <p>14 traceability of the raw ore through the</p> <p>15 production process in Houston, true?</p> <p>16 MS. ECHTMAN: Objection.</p> <p>17 THE WITNESS: That's what it</p> <p>18 states. Of course you'd like to</p> <p>19 also see the response back from</p> <p>20 Imerys. And any corrective</p> <p>21 actions that they would have taken</p> <p>22 relative to this audit.</p> <p>23 I might also add that the</p> <p>24 visits of teams that I was part</p>

Donald Hicks

Page 210	Page 212
<p>1 of, there was clear evidence that</p> <p>2 they had traceability from the ore</p> <p>3 lot all the way to the mill lot.</p> <p>4 BY MS. O'DELL:</p> <p>5 Q. According to Intertek, that</p> <p>6 was not true in 2009, true?</p> <p>7 MS. ECHTMAN: Objection.</p> <p>8 THE WITNESS: I think it's</p> <p>9 their opinion. I don't know</p> <p>10 whether it was true or not.</p> <p>11 BY MS. O'DELL:</p> <p>12 Q. Certainly it was their audit</p> <p>13 finding?</p> <p>14 A. It was their audit finding,</p> <p>15 yes.</p> <p>16 Q. And they were hired by</p> <p>17 Johnson &amp; Johnson to audit the Houston</p> <p>18 facility, true?</p> <p>19 A. Yes, they did.</p> <p>20 Q. How many occasions did you</p> <p>21 visit the plant in Houston?</p> <p>22 A. Three at least, that I can</p> <p>23 recall.</p> <p>24 Q. Do you know the time period</p>	<p>1 Is this a talc supplier</p> <p>2 assessment questionnaire regarding Rio</p> <p>3 Tinto (Luzenac)?</p> <p>4 A. It is a supplier assessment</p> <p>5 questionnaire for Rio Tinto in Houston.</p> <p>6 Q. This would be the same</p> <p>7 Houston facility that is now owned and</p> <p>8 operated, and has been for some time, by</p> <p>9 Imerys?</p> <p>10 A. Yes.</p> <p>11 Q. Turn to Page 2. At Line 6</p> <p>12 there's a question under mine</p> <p>13 qualification and requalification. It</p> <p>14 states, "Does the supplier have a report</p> <p>15 to support qualification of the talc</p> <p>16 source mine, willing to share?" And then</p> <p>17 it says, "Document mine qualification</p> <p>18 report," and then the comment there is</p> <p>19 JFR.</p> <p>20 Who or what is JFR?</p> <p>21 MS. ECHTMAN: Can you show</p> <p>22 me where you are reading from?</p> <p>23 THE WITNESS: Yeah.</p> <p>24 MS. O'DELL: Page 2.</p>
Page 211	Page 213
<p>1 during which those visits took place?</p> <p>2 A. It would have been in the</p> <p>3 2009 to 2013 time frame.</p> <p>4 Q. Is -- are you familiar with</p> <p>5 a document called a talc supplier</p> <p>6 assessment questionnaire?</p> <p>7 A. Yes, I am.</p> <p>8 Q. And is that a questionnaire</p> <p>9 that is prepared, in other words -- the</p> <p>10 questionnaire is drafted and sent to</p> <p>11 suppliers by quality assurance?</p> <p>12 A. Yes, it is. Typically used</p> <p>13 for new suppliers.</p> <p>14 Q. When was the use of a talc</p> <p>15 supplier questionnaire instituted?</p> <p>16 A. My recollection that it</p> <p>17 would have been around between 2009,</p> <p>18 2011, somewhere in that time frame.</p> <p>19 (Document marked for</p> <p>20 identification as Exhibit</p> <p>21 Hicks-16.)</p> <p>22 BY MS. O'DELL:</p> <p>23 Q. I'll show you what I'm</p> <p>24 marking as 20 -- excuse me, Exhibit 16.</p>	<p>1 MS. ECHTMAN: What line?</p> <p>2 Six?</p> <p>3 MS. O'DELL: Mm-hmm.</p> <p>4 THE WITNESS: Do you see it?</p> <p>5 MS. ECHTMAN: I don't see a</p> <p>6 JFR.</p> <p>7 MR. FERGUSON: I don't see a</p> <p>8 JFR.</p> <p>9 MR. SILVER: I don't see it</p> <p>10 either.</p> <p>11 BY MS. O'DELL:</p> <p>12 Q. Maybe --</p> <p>13 A. Perhaps another section.</p> <p>14 Q. Let me make sure that</p> <p>15 there's not a wrong Bates number there.</p> <p>16 Give me just a second.</p> <p>17 MS. O'DELL: What's the</p> <p>18 Bates on that?</p> <p>19 MS. ECHTMAN: JNJ 530885.</p> <p>20 On Page 2 of 8.</p> <p>21 MS. O'DELL: Sorry. Excuse</p> <p>22 me. I'm going to take back that</p> <p>23 document and give you all another</p> <p>24 copy. There was a different Bates</p>

54 (Pages 210 to 213)

Donald Hicks

Page 214	Page 216
<p>1 number. Sorry.</p> <p>2 MS. ECHTMAN: This is what</p> <p>3 you're going to use as Exhibit 16.</p> <p>4 MS. O'DELL: Yes. That will</p> <p>5 make more sense now.</p> <p>6 (Document remarked for</p> <p>7 identification as Exhibit</p> <p>8 Hicks-16.)</p> <p>9 BY MS. O'DELL:</p> <p>10 Q. Sorry, Mr. Hicks. Turn to</p> <p>11 Page 2.</p> <p>12 MS. SHARKO: Do you want the</p> <p>13 old copy back?</p> <p>14 MS. O'DELL: Yeah, sure.</p> <p>15 Fine.</p> <p>16 BY MS. O'DELL:</p> <p>17 Q. Do you see that now,</p> <p>18 Exhibit 16? It's a supplier assessment</p> <p>19 questionnaire for Rio Tinto minerals</p> <p>20 Luzenac, Houston, Texas, which is now</p> <p>21 Imerys. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And if you'll turn to Page</p> <p>24 2, Line 6. Page two, Line 6. It says,</p>	<p>1 Q. All right. Fair enough.</p> <p>2 I'm just -- these are documents that have</p> <p>3 been provided. And I'm just asking you</p> <p>4 questions about them. So I don't -- I'm</p> <p>5 not quibbling over what you said about</p> <p>6 another draft. But my question really</p> <p>7 related to mine qualification report.</p> <p>8 Do you see that, on Page 2?</p> <p>9 A. Yes.</p> <p>10 Q. Was a mine qualification</p> <p>11 report provided to quality assurance</p> <p>12 regarding the Guangxi mine?</p> <p>13 A. My understanding is that</p> <p>14 this site had been used for many, many</p> <p>15 years, for decades, by Imerys. It was</p> <p>16 repeatedly tested over and over again.</p> <p>17 And that's what they were using to</p> <p>18 substantiate that the mine was a</p> <p>19 quality -- in a qualified state.</p> <p>20 Q. Was a report of that mine</p> <p>21 qualification process provided to</p> <p>22 Johnson &amp; Johnson? That's my question.</p> <p>23 A. I don't know that there was</p> <p>24 an original mine report. And if so, it</p>
Page 215	Page 217
<p>1 "Does the supplier have a report to</p> <p>2 support qualification of the talc source</p> <p>3 mine, willing to share? Mine</p> <p>4 qualification report." And it says JFR.</p> <p>5 Was a document entitled mine</p> <p>6 qualification report provided to</p> <p>7 Johnson &amp; Johnson?</p> <p>8 MS. ECHTMAN: Object to</p> <p>9 form.</p> <p>10 THE WITNESS: Yeah, I think</p> <p>11 the issue is that this is likely</p> <p>12 to be a draft document that was</p> <p>13 being put together.</p> <p>14 I'm suspecting that JFR is</p> <p>15 the person who is supposed to be</p> <p>16 filling out that section.</p> <p>17 I think in the prior one</p> <p>18 that we saw, that section was</p> <p>19 filled out. It's probably more</p> <p>20 likely to be closer to a completer</p> <p>21 document than this one is. It</p> <p>22 appears to be a very early draft</p> <p>23 that was being assembled.</p> <p>24 BY MS. O'DELL:</p>	<p>1 was not provided to me.</p> <p>2 MS. O'DELL: I'll say for</p> <p>3 the record, Susan, we have</p> <p>4 searched the entire production for</p> <p>5 this document which appears to</p> <p>6 have been provided in conjunction</p> <p>7 with this assessment. We're going</p> <p>8 to request that it be produced to</p> <p>9 us.</p> <p>10 MS. SHARKO: You need to put</p> <p>11 all your requests in writing. And</p> <p>12 we'll take it under advisement.</p> <p>13 I'm not going to go back to a</p> <p>14 multi-page thing to look see to</p> <p>15 see what my homework assignment</p> <p>16 is. Just send me a letter.</p> <p>17 MS. O'DELL: I will send you</p> <p>18 a formal letter with a document</p> <p>19 requesting it. You just know it's</p> <p>20 coming to you. That's what -- but</p> <p>21 this has not been provided --</p> <p>22 provided to us.</p> <p>23 MS. SHARKO: I have no idea.</p> <p>24 I will await your letter with</p>

55 (Pages 214 to 217)

Donald Hicks

Page 218	Page 220
<p>1 interest.</p> <p>2 MS. O'DELL: Thank you.</p> <p>3 BY MS. O'DELL:</p> <p>4 Q. Same question. Have you</p> <p>5 seen the mine qualification standard</p> <p>6 operating procedure that is referenced in</p> <p>7 this document?</p> <p>8 MS. ECHTMAN: Objection to</p> <p>9 form.</p> <p>10 THE WITNESS: No, I</p> <p>11 personally have not seen them, no.</p> <p>12 BY MS. O'DELL:</p> <p>13 Q. Are you aware if that</p> <p>14 standard operating procedure has been</p> <p>15 provided to Johnson &amp; Johnson?</p> <p>16 MS. ECHTMAN: Object to</p> <p>17 form.</p> <p>18 THE WITNESS: No, I</p> <p>19 personally am not aware of it.</p> <p>20 BY MS. O'DELL:</p> <p>21 Q. You can put that aside,</p> <p>22 Mr. Hicks.</p> <p>23 What was Project Kansas?</p> <p>24 A. Project Kansas was an R&amp;D</p>	<p>1 THE WITNESS: I don't think</p> <p>2 that was the only context. I</p> <p>3 think the context was what if</p> <p>4 there was potential for talc to</p> <p>5 become unavailable out of the</p> <p>6 China mine, what would we do? Is</p> <p>7 there a possibility, given the</p> <p>8 mines that we use globally for</p> <p>9 other -- other J&amp;J companies</p> <p>10 around the globe, do we want to</p> <p>11 consolidate? Is there a</p> <p>12 production advantage to</p> <p>13 consolidate?</p> <p>14 And also just looking at</p> <p>15 general capacity, could any one</p> <p>16 company provide the amount of talc</p> <p>17 that we need on a regular basis.</p> <p>18 It was a multifaceted review.</p> <p>19 BY MS. O'DELL:</p> <p>20 Q. And one of the facets of</p> <p>21 that review that you haven't mentioned</p> <p>22 thus far is the concern that there was</p> <p>23 asbestos in the talc ore in China,</p> <p>24 correct?</p>
Page 219	Page 221
<p>1 procurement project, and it was primarily</p> <p>2 looking at talc sourcing or were there</p> <p>3 any talc sourcing opportunities that</p> <p>4 should be considered, you know, driven by</p> <p>5 my capacity, geopolitical situation, and</p> <p>6 desire to consolidate activities, so...</p> <p>7 Q. Was a Project Kansas this</p> <p>8 project that was focused on locating</p> <p>9 alternative talc sources from the Guilin,</p> <p>10 China mine? In other words, talc at that</p> <p>11 time in 29 -- all this time period --</p> <p>12 excuse me, 2006 to 2017 to today is being</p> <p>13 sourced from the Guilin mine in China.</p> <p>14 We've established that.</p> <p>15 And Project Kansas was an</p> <p>16 effort to locate an alternative talc</p> <p>17 source, correct?</p> <p>18 A. It was to evaluate</p> <p>19 alternative talc sources, yes.</p> <p>20 Q. With the idea that talc</p> <p>21 would no longer be sourced from China,</p> <p>22 but would be sourced from some other mine</p> <p>23 at some other part of the world?</p> <p>24 MS. ECHTMAN: Objection.</p>	<p>1 MS. ECHTMAN: Objection.</p> <p>2 THE WITNESS: No, I don't</p> <p>3 think that is correct.</p> <p>4 BY MS. O'DELL:</p> <p>5 Q. Well, in May of -- be</p> <p>6 specific. May 14, 2009 the Chinese</p> <p>7 government's equivalent to the FDA,</p> <p>8 issued a report finding that there was</p> <p>9 asbestos in a Baby Powder sample.</p> <p>10 Do you recall that?</p> <p>11 MS. ECHTMAN: Objection.</p> <p>12 Outside the scope.</p> <p>13 You can answer in your</p> <p>14 personal capacity.</p> <p>15 THE WITNESS: Yes. I do</p> <p>16 remember that.</p> <p>17 BY MS. O'DELL:</p> <p>18 Q. Well, you were not involved</p> <p>19 in your personal capacity in addressing</p> <p>20 the situation with a positive asbestos</p> <p>21 result by the Chinese FDA. You addressed</p> <p>22 that in your professional capacity as a</p> <p>23 senior quality assurance officer for</p> <p>24 Johnson &amp; Johnson, true?</p>

56 (Pages 218 to 221)

Donald Hicks

Page 222	Page 224
<p>1 MS. ECHTMAN: Let me explain 2 the nature of my objection. 3 Mr. Hicks has been 4 designated on certain 30(b)(6) 5 topics in response to your notice. 6 And so when I object and I say he 7 can answer in his personal 8 capacity, I'm saying that it's 9 outside the designation on the 10 30(b)(6) notice. 11 And with that, he can answer 12 the question. 13 MS. O'DELL: Just hold that 14 thought, Mr. Hicks. 15 THE WITNESS: Okay. 16 MS. O'DELL: Mr. Hicks has 17 been designated for the results 18 regarding the purity of Johnson &amp; 19 Johnson's talcum powder, which is 20 Topic 9. Certainly the results of 21 positive test results involving 22 asbestos as reported by the China 23 FDA would be a part of that, well 24 within the topic.</p>	<p>1 to speak to the talcum powder 2 products in the United States. 3 And that's the basis for my 4 objection. 5 MS. O'DELL: I can handle 6 that. 7 BY MS. O'DELL: 8 Q. Mr. Hicks, was the talc that 9 was involved in the positive test results 10 by the China FDA mined from the same mine 11 that sources Baby Powder that's sold in 12 the United States? 13 MS. ECHTMAN: Objection. 14 THE WITNESS: It's not clear 15 that it was absolutely that mine. 16 But it's likely to have been that 17 mine, yes. 18 MS. O'DELL: This is well 19 within the scope. It is talc 20 that's sourced from the same mine. 21 And as a result, it's well within 22 the scope. 23 BY MS. O'DELL: 24 Q. I'm going to take your</p>
Page 223	Page 225
<p>1 He speaks on behalf of the 2 company in regard to this. This 3 was an instance when the Chinese 4 FDA reported to Johnson &amp; Johnson 5 there was asbestos in their 6 product. 7 And I'm asking him 8 questions, not as an individual, 9 personal preference, personal 10 opinion. I'm asking on behalf of 11 Johnson &amp; Johnson, what was their 12 response to that situation. 13 So it's inappropriate to say 14 that this line of questioning is 15 outside the scope of the notice, 16 because that's clearly not true. 17 MS. ECHTMAN: Well I 18 disagree. And it's my 19 understanding that we've taken the 20 position that talc that may have 21 been -- talcum powder products 22 that may have been sold in China 23 are not at issue in this case and 24 that we're designating the witness</p>	<p>1 responses to my questions, Mr. Hicks, as 2 being on behalf of Johnson &amp; Johnson. 3 MS. ECHTMAN: I'm just going 4 to have a running objection, and 5 we can agree to disagree on that. 6 MS. O'DELL: You can note 7 the objection for the record. And 8 then we'll take it up at a later 9 time, but I'm here to ask what 10 Johnson &amp; Johnson's response and 11 position was regarding this 12 situation. 13 MS. SHARKO: Let's take it 14 one question at a time. Ask the 15 next question, and if Ms. ECHTMAN 16 has an objection, she'll make it. 17 Otherwise the witness will answer. 18 Regardless the witness will most 19 likely answer. Let's move on. 20 BY MS. O'DELL: 21 Q. In May of 2009, China -- the 22 Chinese FDA contacted Johnson &amp; Johnson 23 and said there's been a positive test 24 result of Baby Powder, two Baby Powder</p>

Donald Hicks

Page 226	Page 228
<p>1 bottles.</p> <p>2 Do you recall that?</p> <p>3 MS. ECHTMAN: Objection.</p> <p>4 And I object as outside the scope</p> <p>5 of the notice as we interpret it.</p> <p>6 I'll allow the witness to answer.</p> <p>7 THE WITNESS: Yes, I do</p> <p>8 recall that.</p> <p>9 BY MS. O'DELL:</p> <p>10 Q. And after Johnson &amp; Johnson</p> <p>11 was informed of that result, a team of</p> <p>12 individuals were formed to address that</p> <p>13 situation on behalf of Johnson &amp; Johnson,</p> <p>14 true?</p> <p>15 MS. ECHTMAN: Same objection</p> <p>16 that it's outside the scope of the</p> <p>17 notice as we interpret it. The</p> <p>18 witness may answer the question.</p> <p>19 THE WITNESS: Yes, the team</p> <p>20 was formed. I'd just like to</p> <p>21 clarify that from a China SFDA</p> <p>22 perspective, there were other</p> <p>23 manufacturers' products that they</p> <p>24 also made the same claim about.</p>	<p>1 (Document marked for</p> <p>2 identification as Exhibit</p> <p>3 Hicks-17.)</p> <p>4 BY MS. O'DELL:</p> <p>5 Q. I've handed to you</p> <p>6 Exhibit 17. Have you seen this document</p> <p>7 before?</p> <p>8 A. Let me look through it for a</p> <p>9 second. Yes, I have seen it before.</p> <p>10 Q. This is dated May 15, 2009.</p> <p>11 Is that one day after Johnson &amp; Johnson</p> <p>12 was informed of the positive results?</p> <p>13 MS. ECHTMAN: Same</p> <p>14 objection. I'll allow the witness</p> <p>15 to answer.</p> <p>16 THE WITNESS: Yeah, I don't</p> <p>17 recall the exact day of the year</p> <p>18 that we were alerted to this claim</p> <p>19 by the Chinese SFDA.</p> <p>20 BY MS. O'DELL:</p> <p>21 Q. It's fair to say that</p> <p>22 Johnson &amp; Johnson formed a team and began</p> <p>23 to address this situation immediately</p> <p>24 upon hearing of the positive asbestos</p>
Page 227	Page 229
<p>1 BY MS. O'DELL:</p> <p>2 Q. What was the name of the</p> <p>3 response team that was formed here at</p> <p>4 Johnson &amp; Johnson to respond to these</p> <p>5 asbestos test results?</p> <p>6 MS. ECHTMAN: Same objection</p> <p>7 that it's outside the scope of the</p> <p>8 notice, and I'll allow the witness</p> <p>9 to answer the question.</p> <p>10 THE WITNESS: Gosh, I don't</p> <p>11 remember the name of the group.</p> <p>12 BY MS. O'DELL:</p> <p>13 Q. Why -- why did the FDA --</p> <p>14 excuse me.</p> <p>15 Why did Johnson &amp; Johnson</p> <p>16 form a team to deal with this issue?</p> <p>17 MS. ECHTMAN: Same</p> <p>18 objection.</p> <p>19 THE WITNESS: Certainly if</p> <p>20 it was a valid result it was a</p> <p>21 very serious issue. And it was</p> <p>22 also a global issue in that</p> <p>23 multiple manufacturing sites were</p> <p>24 being fed from that same mine.</p>	<p>1 results, correct?</p> <p>2 MS. ECHTMAN: Same</p> <p>3 objection.</p> <p>4 THE WITNESS: Yes, this was</p> <p>5 an important issue, and it was</p> <p>6 reacted to very quickly by the</p> <p>7 global network.</p> <p>8 BY MS. O'DELL:</p> <p>9 Q. And if you'll turn to about</p> <p>10 Page 2 of Exhibit 17. You'll see that --</p> <p>11 A. Is that entitled</p> <p>12 "Background"? Because I don't see a page</p> <p>13 here.</p> <p>14 Q. Yeah. That's right.</p> <p>15 A. Okay.</p> <p>16 Q. It's background. There are</p> <p>17 no page numbers.</p> <p>18 The SFDA held a</p> <p>19 communication meeting in Beijing on May</p> <p>20 14, 2009, informing 36 companies that 98</p> <p>21 talc based products from these companies</p> <p>22 were found to contain asbestos.</p> <p>23 So this is -- it was</p> <p>24 announced May 14th and May 15th. There</p>

58 (Pages 226 to 229)

Donald Hicks

Page 230	Page 232
<p>1 is a technical update here at Johnson &amp; 2 Johnson. 3 MS. ECHTMAN: Same 4 objection. 5 BY MS. O'DELL: 6 Q. True? 7 A. It appears that way. Yes. 8 Q. Yes. And according to the 9 SFDA, JJC -- which I'm assuming is 10 Johnson &amp; Johnson Consumers; is that 11 correct? 12 MS. ECHTMAN: Same 13 objection. 14 THE WITNESS: Yes. That 15 would refer to Johnson &amp; Johnson 16 Consumers. 17 BY MS. O'DELL: 18 Q. -- had one batch talc, raw 19 material, gives the sample number, with 20 0.6 percent asbestos. And batch of 21 Johnson's Baby, JB, prickly heat powder 22 with .5 percent asbestos level. 23 Did I read that correctly? 24 MS. ECHTMAN: Same</p>	<p>1 THE WITNESS: Yes, that's 2 the correct translation of percent 3 of PPM. 4 BY MS. O'DELL: 5 Q. If you'll turn to the next 6 page. Under RM spec requirement, the 7 second line says that, "China raw 8 material talc is supplied from Guilin 9 Giguang." 10 Did I read that correctly? 11 MS. ECHTMAN: Objection to 12 form, and objection with respect 13 to the scope of the notice. 14 THE WITNESS: That is the 15 name of the milling company in 16 China that provides the talc to 17 the Chinese affiliate. 18 BY MS. O'DELL: 19 Q. And also provides talc for 20 use in Baby Powder to be sold in the 21 United States? 22 A. Actually, it does not. 23 Guilin does not provide low talc to the 24 U.S.</p>
Page 231	Page 233
<p>1 objection. 2 THE WITNESS: You did read 3 it correctly, yes. 4 BY MS. O'DELL: 5 Q. And .6 percent asbestos 6 Mr. Hicks would be equivalent to 6,000 7 parts per million of asbestos, true? 8 MS. ECHTMAN: Objection to 9 form. And same objection on the 10 scope of the notice. 11 THE WITNESS: Yes, your math 12 is correct. 13 BY MS. O'DELL: 14 Q. And similarly, the JB 15 prickly heat powder results were 16 .5 percent asbestos, which would be the 17 equivalent of 5,000 parts per million -- 18 MS. ECHTMAN: Objection. 19 BY MS. O'DELL: 20 Q. -- of asbestos? 21 MS. ECHTMAN: Objection to 22 form and same objection with 23 respect to the scope of the 24 notice.</p>	<p>1 Q. Well, the better answer to 2 my question is Guilin mines the talc, 3 sells it to Imerys, and Imerys buys the 4 talc and sells it to Johnson's Baby 5 Powder -- for Johnson's Baby Powder, but 6 it originates from the same mine, true? 7 A. It's implied here, yes. 8 Q. In fact, if you'll turn 9 over -- I think it's Page 5 or 6. I'm 10 not sure, Mr. Hicks. But it's a table 11 called "raw talc asbestos test in China 12 and Japan." 13 A. Yeah, just to clarify the 14 last statement. It's not absolutely 15 clear where Guilin is getting their talc 16 from. That's the name of their company. 17 It may not be where they are sourcing 18 from. But they're sourcing from that 19 same general area in South China. 20 Q. If you'll turn over to, I 21 think it's Page 6 of the same document. 22 A. What is the title of the 23 page? 24 Q. "Raw Talc Asbestos Test in</p>

59 (Pages 230 to 233)

Donald Hicks

<p style="text-align: right;">Page 234</p> <p>1 China and Japan." There's a table.  2 You'll see there's a yellow box at the  3 bottom of the page. And that yellow box  4 references the Johnson &amp; Johnson samples  5 that tested positive.  6 Do you see that?  7 MS. ECHTMAN: Objection to  8 form, and same objection on scope  9 of the notice.  10 BY MS. O'DELL:  11 Q. Do you see that, sir?  12 A. Yes, I do.  13 Q. And it says, "These two  14 batches are not for J&amp;J but from the same  15 mine and grinding facility and adjacent  16 with J&amp;J products."  17 Does that refresh your  18 memory that the talc was mined -- that  19 tested positive was mined from the same  20 area that sources Johnson's Baby Powder  21 in the U.S.?  22 MS. ECHTMAN: Objection to  23 form. Same objection on scope of  24 the notice.</p>	<p style="text-align: right;">Page 236</p> <p>1 are not from" -- "for J&amp;J, but from the  2 same mine and grinding facility."  3 Did I read that correctly?  4 MS. ECHTMAN: Objection to  5 form, and same objection with  6 respect to the notice.  7 THE WITNESS: So, it  8 indicates --  9 BY MS. O'DELL:  10 Q. Just yes or no, sir? Did I  11 read that correctly?  12 A. Yes, you read it correctly.  13 Q. And obviously that would be  14 a source of major concern if the talc  15 mine that provides talc for Johnson's  16 Baby Powder in the U.S. tested positive  17 for asbestos?  18 MS. ECHTMAN: Objection to  19 form and same objection on the  20 scope of the notice.  21 THE WITNESS: I don't think  22 there's anything here that tells  23 me that it's in fact the same  24 material that was tested by</p>
<p style="text-align: right;">Page 235</p> <p>1 THE WITNESS: I really can't  2 confirm or deny whether it was the  3 same exact mine based upon the  4 information provided.  5 BY MS. O'DELL:  6 Q. Certainly what it states  7 there, isn't it, that it is -- we can  8 turn back to it. The clear -- they are  9 from the same mine and grinding facility?  10 MS. ECHTMAN: Objection to  11 form, and same objection on scope  12 of the notice.  13 BY MS. O'DELL:  14 Q. Isn't that what the document  15 says, Mr. Hicks?  16 A. Well, it is not the -- which  17 page are we looking at? Sorry. Before I  18 comment.  19 Q. It's the chart.  20 MS. ECHTMAN: Objection to  21 form, and same objection on scope  22 of the notice.  23 BY MS. O'DELL:  24 Q. It says, "The two batches</p>	<p style="text-align: right;">Page 237</p> <p>1 molecular engineering of medical  2 resources at the Normal  3 University, was in fact our  4 product, where it came from, what  5 the chain of custody was.  6 I mean, I really can't  7 comment on what this is. It could  8 be counterfeit product for all I  9 know.  10 BY MS. O'DELL:  11 Q. But a document produced by  12 Johnson &amp; Johnson for a presentation on  13 May 15, 2009, the presentation at which  14 you were present, states that the talc  15 came from the same mine that sources  16 Johnson &amp; Johnson Baby Powder for the  17 U.S., true?  18 MS. ECHTMAN: Objection to  19 form and same objection on scope  20 of the notice.  21 THE WITNESS: I agree that  22 that's what it says. It's not the  23 same grinding facility that's used  24 in the ore, to be clear.</p>

60 (Pages 234 to 237)

Donald Hicks

Page 238	Page 240
<p>1 BY MS. O'DELL: 2 Q. It's the same mine? 3 A. It may be. 4 Q. It says it's the same mine, 5 doesn't it? 6 MS. ECHTMAN: Objection. 7 THE WITNESS: That's what it 8 says. This is our only 9 information put together within an 10 eight-hour period of this being 11 discovered. I don't really know 12 what that means, nor do I know 13 whether it's a qualified 14 laboratory that did the testing. 15 (Document marked for 16 identification as Exhibit 17 Hicks-18.) 18 BY MS. O'DELL: 19 Q. Let me show you what I'm 20 marking as Exhibit 18, Mr. Hicks. 21 Mr. Hicks, at the time of the 22 presentation we were just looking at, the 23 May 15, 2009 presentation, did you 24 question the veracity of the document</p>	<p>1 PowerPoint presentation that we were 2 just -- we were just talking about. 3 A. Okay. 4 Q. During that meeting when 5 that was presented -- 6 A. I thought we had moved on to 7 this document. Sorry. 8 Q. No problem. Did you 9 question the accuracy of that information 10 during the course of that meeting? 11 MS. ECHTMAN: Objection to 12 form, and same objection on scope 13 of the notice. 14 THE WITNESS: That was 15 the -- certainly one of the 16 discussion topics about whether 17 the lab that is being used by SFDA 18 and in fact knew how to test for 19 asbestos properly and had the 20 correct requirements and correct 21 methods. 22 BY MS. O'DELL: 23 Q. Did you question the fact 24 that the PowerPoint contained a statement</p>
Page 239	Page 241
<p>1 that was presented during that meeting? 2 MS. ECHTMAN: Objection to 3 form, and same objection with 4 respect to the scope of the 5 notice. 6 THE WITNESS: I did not. 7 I'm not sure that the veracity is 8 necessarily applicable here. 9 BY MS. O'DELL: 10 Q. Did you question the 11 accuracy of the document during the 12 meeting? 13 MS. ECHTMAN: Objection to 14 form, and same objection on the 15 scope of the notice. 16 THE WITNESS: You're 17 referring to the document that was 18 presented by the Johnson &amp; Johnson 19 Chinese team to the Chinese 20 government? 21 BY MS. O'DELL: 22 Q. No, I'm talking about 23 Exhibit 17 that you were just looking at. 24 Excuse me, sir. I'm talking about the</p>	<p>1 that the talc had come from the same mine 2 that sources Johnson &amp; Johnson Baby 3 Powder for the North America? Did you 4 question that statement during the 5 meeting? 6 MS. ECHTMAN: Objection to 7 form, and same objection on the 8 scope of the notice. 9 THE WITNESS: I don't recall 10 having that discussion. 11 Specifically. Probably did. I 12 don't have a recollection. 13 BY MS. O'DELL: 14 Q. You don't know one way or 15 the other? So you're speculating? Fair 16 sir? 17 A. Yes, it is speculation. 18 MS. ECHTMAN: Objection. 19 BY MS. O'DELL: 20 Q. Yes. You have no basis to 21 say that you question the veracity or the 22 truthfulness of that statement in that 23 meeting as you're sitting here today, do 24 you?</p>

61 (Pages 238 to 241)

Donald Hicks

Page 242	Page 244
<p>1 MS. ECHTMAN: Objection to 2 form, and same objection on the 3 scope of the notice. 4 THE WITNESS: I'm sure that 5 this was discussed. I'm not sure 6 what you're question really is. 7 BY MS. O'DELL: 8 Q. I think my question is -- 9 A. Maybe it's the term 10 "veracity." 11 Q. I think I said accuracy. So 12 let me state my question again. 13 If there was not significant 14 evidence that the talc that was used in 15 the bottles that tested positive came 16 from the same mine that sources talc for 17 North America, would there have been a 18 task force formed and the level of 19 attention and effort had it not been from 20 the same mine? 21 MS. ECHTMAN: Objection to 22 form, and same objection on scope 23 of the notice. 24 THE WITNESS: It is a bit of</p>	<p>1 THE WITNESS: Yeah, no, I 2 don't think so. I think that if 3 this had been found on talc that 4 was pulled from an Indian mine or 5 a Brazil mine, we would have had 6 the same response. 7 BY MS. O'DELL: 8 Q. The Skillman team that you 9 talked about. That's what it was called, 10 right, the Core Skillman Talc Technical 11 Team? 12 A. Yes, it exists at the global 13 headquarters for consumer, which is in 14 Skillman. 15 Q. And the team was formed for 16 purposes of addressing these positive 17 asbestos test results from the Chinese 18 FDA, true? 19 A. It was formed to help our 20 representatives in China respond to this 21 issue, get to the bottom of it, determine 22 if it was real or if it was not. And 23 there were also 30 -- 36 or 37 other 24 companies that were engaged in the same</p>
Page 243	Page 245
<p>1 speculation, but let me comment 2 that I think that any time someone 3 reports to us that they found 4 asbestos, or any other impurity 5 for that matter, beyond the limits 6 that have been defined, it would 7 be an issue for us to want to 8 address. 9 In this case, a large group 10 of people were involved because it 11 involved folks in China and folks 12 in the U.S. supporting them. 13 BY MS. O'DELL: 14 Q. Well, and the reason for 15 that is because it was believed and was 16 the case that the talc that was -- that 17 tested positive came from the same mine 18 as the talc that is used in Johnson's 19 Baby Powder here in the United States, 20 true? 21 MS. ECHTMAN: Objection to 22 form and same objection on the 23 scope of the notice. You can 24 answer.</p>	<p>1 kind of discussion. 2 Q. If you'll look at 3 Exhibit 18, the Skillman Talc Technical 4 Team included numerous executives 5 responsible for Baby Powder including 6 yourself. You were chair of the 7 committee, true? 8 MS. ECHTMAN: Objection to 9 form and same objection on scope 10 of the notice. 11 THE WITNESS: Yeah, I was 12 the coordinator for the committee, 13 yeah. 14 BY MS. O'DELL: 15 Q. It says on Page 22, you were 16 chair. I'm not trying to give you a job 17 you didn't want. But it says you were 18 chair of the committee. 19 A. It may well be. But I don't 20 know that we assigned an official title 21 to anything. 22 Q. Well, at least in your 23 e-mail of May 22nd to a large group of 24 people, you outline the Skillman Talc</p>

62 (Pages 242 to 245)

Donald Hicks

<p style="text-align: right;">Page 246</p> <p>1 Technical Team activities from May 15th 2 to May 21st, and you list the team 3 members. You're the chair. 4 MS. ECHTMAN: Objection on 5 grounds that it's outside the 6 scope. 7 BY MS. O'DELL: 8 Q. Do you see that? 9 A. Yes, I do. Yes, I was the 10 person calling the meetings and writing 11 output from those meetings. 12 Q. And the specific purpose of 13 this team was to address the issue that 14 had arisen as a result of the positive 15 test from the China FDA? 16 MS. ECHTMAN: Objection, 17 based on outside of the scope of 18 the notice. 19 You may answer. 20 THE WITNESS: That's 21 correct. Our primary role was to 22 support the team in China, who was 23 working with the SFDA to 24 understand the situation. We were</p>	<p style="text-align: right;">Page 248</p> <p>1 of Personal Care Products Council to 2 communicate with the SFDA, lobbying them 3 to address the testing protocols that 4 were being used at that time by the 5 Chinese FDA, true? 6 MS. ECHTMAN: Objection to 7 form. And objection on the 8 grounds that it's outside the 9 scope. 10 THE WITNESS: It's really 11 outside of my scope of 12 orientation. 13 My understanding is that 14 there was communication -- I mean, 15 clearly PCPC or CTFA at that point 16 was aware that this was an issue 17 and was asking similar questions. 18 BY MS. O'DELL: 19 Q. The -- RJ Lee participated 20 in meetings, training meetings with the 21 SFDA to train them on the manner in which 22 RJ Lee performed testing for the 23 detection of asbestos in talc, true? 24 MS. ECHTMAN: Objection.</p>
<p style="text-align: right;">Page 247</p> <p>1 more in a supporting role. 2 BY MS. O'DELL: 3 Q. You not only interacted with 4 J&amp;J employees in China, but you also 5 hired RJ Lee to perform testing of talc 6 samples to be provided to the Chinese 7 FDA, true? 8 MS. ECHTMAN: Objection. 9 Outside the scope of the notice. 10 You may answer. 11 THE WITNESS: Yes, we did 12 hire RJ Lee. They did both 13 testing and helped from a 14 technical -- helped the team in 15 China understand some of the 16 technical issues relative to 17 asbestos testing so they can talk 18 more intellectually with the SFDA. 19 The SFDA would only talk in 20 Chinese. And I don't communicate 21 in Chinese. 22 BY MS. O'DELL: 23 Q. Johnson &amp; Johnson engaged 24 the help and assisted in the activities</p>	<p style="text-align: right;">Page 249</p> <p>1 Outside the scope of the notice. 2 THE WITNESS: My 3 recollection is that RJ Lee 4 provided training to the Johnson &amp; 5 Johnson folks in China relative to 6 asbestos, what is asbestos, how 7 you test for it, some of the 8 pitfalls of doing asbestos 9 training that you can get into, so 10 that those folks can have an 11 intelligent conversation with the 12 SFDA. 13 RJ Lee continued to be a 14 resource when questions came up 15 from the Chinese team after they 16 have gone to the SFDA and come 17 back and added some additional 18 questions, et cetera. 19 BY MS. O'DELL: 20 Q. RJ Lee participated with 21 Johnson &amp; Johnson employees in the 22 development of a position paper that was 23 presented to the SFDA, true? 24 MS. ECHTMAN: Objection.</p>

Donald Hicks

Page 250	Page 252
<p>1 Outside of the scope. 2 THE WITNESS: Yes. That's 3 my recollection. 4 BY MS. O'DELL: 5 Q. And the position paper urged 6 the -- China's FDA to adopt the asbestos 7 testing protocol that Johnson &amp; Johnson 8 had been requiring or requires in their 9 specifications, CTFA J4-1, true? 10 A. They were urging -- 11 MS. ECHTMAN: Objection. 12 Outside of the scope. 13 You can answer. 14 THE WITNESS: They were 15 urging them to apply standardized 16 methods, well recognized within 17 industry, whether they be USP, the 18 European Pharmaceutical standards, 19 the Indian standards, some 20 standard document, some standard 21 testing process that is available 22 on a global basis. 23 BY MS. O'DELL: 24 Q. And one of those standards</p>	<p>1 same, but I have not specifically 2 seen the final output from SFDA 3 since it was written in Chinese. 4 BY MS. O'DELL: 5 Q. And so as I understand what 6 you just said, overall is your 7 understanding -- neither one of us read 8 Chinese -- the SFDA standard is generally 9 the same as CTFA J4-1 along with the 10 incorporation of Test Method 7024. Is 11 that your understanding? 12 MS. ECHTMAN: Objection. 13 Outside the scope. 14 THE WITNESS: That is my 15 general understanding, which of 16 course is nearly identical to the 17 USP version and to other 18 government testing versions for 19 asbestos that exist around the 20 world. 21 BY MS. O'DELL: 22 Q. And following discussions 23 with members of industry, including 24 Johnson &amp; Johnson, including Personal</p>
Page 251	Page 253
<p>1 and ultimately, the one that China was 2 persuaded to adopt was the CTFA JF-1 3 standard of XRD, and if there's a 4 questionable finding PLM, true? 5 MS. ECHTMAN: Objection. 6 Outside the scope. 7 THE WITNESS: It's not 8 clear. They did not adopt CTFA. 9 Clearly they wrote their own 10 procedure in the end, and I'm sure 11 took CTFA procedure into 12 consideration and used much of 13 that. 14 BY MS. O'DELL: 15 Q. What's the difference in the 16 procedure that China adopted and CTFA 17 J4-1? 18 MS. ECHTMAN: Objection. 19 Outside the scope. 20 THE WITNESS: Yeah, that's 21 outside the scope. 22 It is, you know, certainly 23 written different in format. I 24 think the overall protocol is the</p>	<p>1 Care Products Council, the Chinese SFDA 2 ultimately adopted the protocol that we 3 just talked about and retested samples of 4 Baby Powder, true? 5 MS. ECHTMAN: Objection to 6 form. And outside the scope. 7 BY MS. O'DELL: 8 Q. Among -- excuse me. Among 9 others. But they retested the samples 10 that had previously tested positive? 11 MS. ECHTMAN: Objection to 12 form and outside the scope. 13 THE WITNESS: Yeah, I think 14 there was an outcry from all the 15 companies that had been notified 16 of an issue. And they were 17 pushing to adopt an industry 18 standard and making sure that in 19 fact the individuals that were 20 doing the testing were well 21 qualified and educated on the 22 proper way to do asbestos testing. 23 BY MS. O'DELL: 24 Q. So the Baby Powder bottles</p>

64 (Pages 250 to 253)

Donald Hicks

Page 254	Page 256
<p>1 we've just been talking about originally</p> <p>2 tested positive for asbestos. There was</p> <p>3 a period of time where there's</p> <p>4 discussions with industry. And</p> <p>5 ultimately new samples were submitted to</p> <p>6 the SFDA for retesting by Johnson &amp;</p> <p>7 Johnson, true?</p> <p>8 MS. ECHTMAN: Objection.</p> <p>9 And objection as outside the</p> <p>10 scope.</p> <p>11 THE WITNESS: My</p> <p>12 recollection was that samples that</p> <p>13 the SFDA had were obtained and</p> <p>14 sent to RJ Lee as well for testing</p> <p>15 and there was no asbestos detected</p> <p>16 in those samples.</p> <p>17 BY MS. O'DELL:</p> <p>18 Q. Mr. Hicks, I lost my exhibit</p> <p>19 stickers. Here we go. Good.</p> <p>20 Let me show you what I've</p> <p>21 marked as Exhibit 19.</p> <p>22 (Document marked for</p> <p>23 identification as Exhibit</p> <p>24 Hicks-19.)</p>	<p>1 THE WITNESS: Yes. The</p> <p>2 dates indicate that.</p> <p>3 BY MS. O'DELL:</p> <p>4 Q. And if you'll turn to</p> <p>5 Page 4, you'll see that the National</p> <p>6 Building Material Industrial Bureau</p> <p>7 SFDA-designated lab -- do you see that</p> <p>8 line?</p> <p>9 A. Yes, I do.</p> <p>10 Q. It says, "Date of test</p> <p>11 communicated May 14, 2009." These are</p> <p>12 the test results we've been talking</p> <p>13 about. Reported failed according to SFDA</p> <p>14 information. And that was true for both</p> <p>15 raw material talc batch and for JB</p> <p>16 prickly heat powder.</p> <p>17 Do you see that?</p> <p>18 MS. ECHTMAN: Objection to</p> <p>19 form. Foundation. And same</p> <p>20 objection on scope of the notice.</p> <p>21 BY MS. O'DELL:</p> <p>22 Q. Is that true, sir?</p> <p>23 A. Yes, I do see that.</p> <p>24 Q. And on May 19, five days</p>
Page 255	Page 257
<p>1 BY MS. O'DELL:</p> <p>2 Q. This is a PowerPoint dated</p> <p>3 May 26, ostensibly 2009.</p> <p>4 Do you see that?</p> <p>5 A. Yes, I do.</p> <p>6 Q. That would be 12 days after</p> <p>7 the original test was reported as a</p> <p>8 positive for asbestos, true?</p> <p>9 MS. ECHTMAN: Objection.</p> <p>10 And objection as outside the</p> <p>11 scope.</p> <p>12 BY MS. O'DELL:</p> <p>13 Q. True?</p> <p>14 MS. ECHTMAN: Same</p> <p>15 objection.</p> <p>16 BY MS. O'DELL:</p> <p>17 Q. Just to make sure we're</p> <p>18 clear, this presentation was given</p> <p>19 12 days after J&amp;J learned that there were</p> <p>20 positive asbestos tests for Johnson's</p> <p>21 Baby Powder, true?</p> <p>22 MS. ECHTMAN: Objection.</p> <p>23 Foundation. Objection to form and</p> <p>24 outside the scope.</p>	<p>1 later, new samples were submitted and</p> <p>2 retested.</p> <p>3 Do you see that?</p> <p>4 A. Yes, I do.</p> <p>5 MS. ECHTMAN: Same</p> <p>6 objection. Form and foundation</p> <p>7 and outside the scope of the</p> <p>8 notice.</p> <p>9 BY MS. O'DELL:</p> <p>10 Q. And these new samples with</p> <p>11 the new test methodology urged by</p> <p>12 Johnson &amp; Johnson resulted in a passing</p> <p>13 test. True?</p> <p>14 MS. ECHTMAN: Objection to</p> <p>15 form and foundation and outside</p> <p>16 the scope of the notice.</p> <p>17 THE WITNESS: Well, urged by</p> <p>18 a consortium of cosmetic</p> <p>19 manufacturing companies that were</p> <p>20 affected by this in China.</p> <p>21 BY MS. O'DELL:</p> <p>22 Q. Including Johnson &amp; Johnson?</p> <p>23 A. Including Johnson &amp; Johnson.</p> <p>24 Q. And the new samples resulted</p>

65 (Pages 254 to 257)

Donald Hicks

<p style="text-align: right;">Page 258</p> <p>1 in a negative asbestos test?</p> <p>2 MS. ECHTMAN: Objection to</p> <p>3 form and foundation and outside</p> <p>4 the scope of the notice.</p> <p>5 BY MS. O'DELL:</p> <p>6 Q. True?</p> <p>7 A. That's correct.</p> <p>8 Q. What was the Johnson</p> <p>9 conference that took place in 2011?</p> <p>10 MS. ECHTMAN: Objection to</p> <p>11 form.</p> <p>12 THE WITNESS: Yeah, it's not</p> <p>13 specific enough for me to even</p> <p>14 attempt an answer.</p> <p>15 BY MS. O'DELL:</p> <p>16 Q. Okay. Fair enough. Let me</p> <p>17 try to be more clear. Was there a</p> <p>18 conference in July of 2011 during which</p> <p>19 the analysis of talc in regard to the</p> <p>20 presence of asbestos was discussed by not</p> <p>21 only members of the team at Johnson &amp;</p> <p>22 Johnson, but also Imerys and others?</p> <p>23 A. I don't have immediate</p> <p>24 recollection of that. It's possible.</p>	<p style="text-align: right;">Page 260</p> <p>1 analysis of asbestos in talc?</p> <p>2 A. Not that I'm aware of.</p> <p>3 Q. Excuse me.</p> <p>4 A. It would be a bit unusual to</p> <p>5 use the term "Johnson" without using</p> <p>6 Johnson &amp; Johnson or J&amp;J conference. So</p> <p>7 I don't know where this was given or what</p> <p>8 context it was given.</p> <p>9 Q. In terms of conferences, are</p> <p>10 you aware of -- let me strike that and</p> <p>11 start again.</p> <p>12 Is it your testimony on</p> <p>13 behalf of Johnson &amp; Johnson that there</p> <p>14 was not a conference entitled a Johnson &amp;</p> <p>15 Johnson conference hosted by Johnson &amp;</p> <p>16 Johnson for purposes of discussing a new</p> <p>17 method for testing talc for asbestos?</p> <p>18 MS. ECHTMAN: Objection.</p> <p>19 This is outside the scope of the</p> <p>20 topics which relate to what</p> <p>21 testing was actually used. And</p> <p>22 asked and answered. I'll allow</p> <p>23 the witness to answer outside of</p> <p>24 the 30(b)(6) context.</p>
<p style="text-align: right;">Page 259</p> <p>1 Q. Do you recall a presentation</p> <p>2 by Julie Pier entitled "Analysis of Talc</p> <p>3 Containing Asbestos"?</p> <p>4 MS. ECHTMAN: Objection.</p> <p>5 THE WITNESS: I recall Julie</p> <p>6 doing a -- doing different</p> <p>7 presentations at different</p> <p>8 meetings that we had with Imerys</p> <p>9 folks.</p> <p>10 (Document marked for</p> <p>11 identification as Exhibit</p> <p>12 Hicks-20.)</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. Let me show you what I'm</p> <p>15 marking as Exhibit 20. You've seen this</p> <p>16 document before, Mr. Hicks?</p> <p>17 A. Give me a second. Let me</p> <p>18 take a look at it and see if...</p> <p>19 Yeah, I actually do not</p> <p>20 remember this particular presentation.</p> <p>21 Q. Was there a Johnson</p> <p>22 conference that took place involving</p> <p>23 employees of Johnson &amp; Johnson to discuss</p> <p>24 the development of a new method for the</p>	<p style="text-align: right;">Page 261</p> <p>1 MS. O'DELL: Excuse me, sir.</p> <p>2 Let me respond to the objection.</p> <p>3 This is well within the</p> <p>4 scope of testing protocols and</p> <p>5 specifications, and so I believe</p> <p>6 it's well within the scope. I'm</p> <p>7 stating that for the record.</p> <p>8 BY MS. O'DELL:</p> <p>9 Q. Are you saying that this</p> <p>10 conference from which this PowerPoint --</p> <p>11 for which this PowerPoint was prepared</p> <p>12 was not related to Johnson &amp; Johnson?</p> <p>13 MS. ECHTMAN: Objection to</p> <p>14 form, and objection that it's our</p> <p>15 view that it's outside of the</p> <p>16 scope of the 30(b)(6). But the</p> <p>17 witness can answer outside of that</p> <p>18 context to the extent that he</p> <p>19 knows.</p> <p>20 THE WITNESS: So from my</p> <p>21 perspective, I have no knowledge</p> <p>22 as to why this was created and</p> <p>23 where it was presented.</p> <p>24 MS. O'DELL: Michelle, would</p>

66 (Pages 258 to 261)

Donald Hicks

Page 262	Page 264
<p>1 you mark that on the record.</p> <p>2 MS. SHARKO: Do you have</p> <p>3 something that links this document</p> <p>4 to J&amp;J? It's an Imerys document</p> <p>5 with Bates numbers.</p> <p>6 MS. O'DELL: There are</p> <p>7 references to it that it's the</p> <p>8 Johnson conference that led us to</p> <p>9 that it was a Johnson &amp; Johnson</p> <p>10 related conference. All we can do</p> <p>11 is ask the witness.</p> <p>12 If he's saying that he's</p> <p>13 here on behalf of Johnson &amp;</p> <p>14 Johnson to testify about protocols</p> <p>15 that were used in testing talc and</p> <p>16 he's not aware of it, he has no</p> <p>17 knowledge, I'm going to mark it</p> <p>18 for the record. I'm going to go</p> <p>19 back and look at the context, and</p> <p>20 we may for another witness who can</p> <p>21 speak to that topic.</p> <p>22 MS. SHARKO: Note our</p> <p>23 objection because now you are</p> <p>24 asking about something that is an</p>	<p>1 of the notice. We'll look at it.</p> <p>2 We've marked it for the record.</p> <p>3 And we'll raise it with the Court</p> <p>4 if it's something that we feel</p> <p>5 that you produced a witness that</p> <p>6 doesn't have sufficient</p> <p>7 information.</p> <p>8 BY MS. O'DELL:</p> <p>9 Q. Mr. Hicks, let's move to</p> <p>10 another topic.</p> <p>11 A. Okay.</p> <p>12 Q. Excuse me. Give me one</p> <p>13 minute.</p> <p>14 MS. ECHTMAN: Do you want to</p> <p>15 take a break?</p> <p>16 THE WITNESS: It's a good</p> <p>17 time to take a break. How long --</p> <p>18 how long do you want to run?</p> <p>19 MS. O'DELL: Five minutes,</p> <p>20 and I've got about an hour and</p> <p>21 40 minutes on the record. I don't</p> <p>22 know that I'll take all that. But</p> <p>23 if you want to take a break, that</p> <p>24 will be fine.</p>
Page 263	Page 265
<p>1 Imerys document, not one of ours.</p> <p>2 So if you can show us something</p> <p>3 that links this to Johnson &amp;</p> <p>4 Johnson -- I mean, Johnson is</p> <p>5 obviously a very common name.</p> <p>6 We're happy to look at it and talk</p> <p>7 to the witness.</p> <p>8 But just, you know, putting</p> <p>9 up a piece of paper up that says</p> <p>10 Johnson on it that's not from our</p> <p>11 files is somewhat concerning to</p> <p>12 me. If you don't have it or don't</p> <p>13 want to give it, so be it. We can</p> <p>14 move on. I just wanted to make</p> <p>15 that point.</p> <p>16 MS. O'DELL: We're not</p> <p>17 confined to Johnson &amp; Johnson</p> <p>18 documents, as you know. We</p> <p>19 certainly can and should be able</p> <p>20 to cross-examine the witness on</p> <p>21 Imerys documents.</p> <p>22 I've asked the question. He</p> <p>23 says he has no knowledge of this.</p> <p>24 I think it's well within the scope</p>	<p>1 THE WITNESS: Yeah, I think</p> <p>2 now is a good time.</p> <p>3 THE VIDEOGRAPHER: The time</p> <p>4 is now 4:02. Going off the</p> <p>5 record.</p> <p>6 (Short break.)</p> <p>7 THE VIDEOGRAPHER: The time</p> <p>8 is now 4:22. Back on the record.</p> <p>9 BY MS. O'DELL:</p> <p>10 Q. Mr. Hicks, we were talking</p> <p>11 about July 2011 just a few minutes ago.</p> <p>12 And specifically in relation to the</p> <p>13 Johnson &amp; Johnson -- excuse me, the</p> <p>14 Johnson conference that we may need to</p> <p>15 follow-up on later. But also in 2011,</p> <p>16 did it come to Johnson &amp; Johnson's</p> <p>17 attention that the Chinese mining company</p> <p>18 was not compliant with Johnson &amp;</p> <p>19 Johnson's testing specifications?</p> <p>20 MS. ECHTMAN: Objection to</p> <p>21 form.</p> <p>22 THE WITNESS: From my</p> <p>23 perspective, I haven't seen that</p> <p>24 information.</p>

67 (Pages 262 to 265)

Donald Hicks

Page 266	Page 268
<p>1 BY MS. O'DELL: 2 Q. Okay. Was Johnson &amp; Johnson 3 aware are that the Chinese mining company 4 was not capable of complying with the 5 specifications contained in Johnson &amp; 6 Johnson's specifications for talc? 7 MS. ECHTMAN: Objection. 8 THE WITNESS: I can't recall 9 seeing a document to that effect. 10 BY MS. O'DELL: 11 Q. I think you mentioned 12 earlier a person named Mark Zappa. 13 A. Yes. 14 Q. He was a member of your 15 team, yes? 16 A. Yes, he was. 17 (Document marked for 18 identification as Exhibit 19 Hicks-21.) 20 BY MS. O'DELL: 21 Q. Let me show you what I'm 22 marking as Exhibit 21. 23 MS. O'DELL: Did I give you 24 mine?</p>	<p>1 Chinese mining company, correct? 2 A. Yes. Guilin, actually. 3 Q. Sorry. "Guilin certificate 4 of analysis for talc is not fully 5 compliant to J&amp;J global talc 6 specification. Guilin is not capable of 7 using some of our specification test 8 methods." 9 Did I read that correctly? 10 A. Yes, you did. 11 Q. So Johnson &amp; Johnson was 12 aware that Guilin was not able to be 13 fully compliant with Johnson &amp; Johnson's 14 global talc specifications, true? 15 MS. ECHTMAN: Objection. 16 Outside the scope and I'll let the 17 witness answer outside the 18 30(b)(6) context. 19 MS. O'DELL: Counsel, one of 20 the topics is all the entities 21 that were performing testing on 22 talcum powder, which would include 23 Guilin, and so it's well within 24 the scope and I would -- that's my</p>
Page 267	Page 269
<p>1 MS. ECHTMAN: I don't know. 2 BY MS. O'DELL: 3 Q. Did you get a highlighted 4 one? 5 A. I did not. 6 (Whereupon, a discussion was 7 held off the record.) 8 BY MS. O'DELL: 9 Q. This is an e-mail dated 10 November the 17th, 2011. 11 Do you see that? 12 A. Yes, I do. 13 Q. And it's regarding Project 14 Heat. What is Project Heat? 15 A. We were looking at the 16 potential of performing heat sanitization 17 inhouse at the PTI Royston facility 18 instead of performing that at the Imerys 19 facility in Houston, Georgia. 20 Q. Houston, Texas? 21 A. Houston, Texas. Sorry. 22 Q. It's been a long day. 23 The beginning of the e-mail 24 reads, "Important. Guilin" -- that's the</p>	<p>1 response to your objection. 2 BY MS. O'DELL: 3 Q. You may answer, sir. 4 A. It doesn't say what testing 5 is at issue here. And we were, at this 6 time, looking at the potential to 7 purchase directly from Guilin and have 8 the C of A come directly from them. I 9 know that they did not have TEM inhouse. 10 They had to send it out to an external 11 laboratory for example. Other testing 12 may have had to have been sent out as 13 well. I don't know whether this refers 14 to inhouse, can they do the testing that 15 we were requiring. 16 Q. And in terms of what was 17 stated in the e-mail, it appears they're 18 not fully compliant with the global talc 19 specification and they are not capable of 20 using some of the specification test -- 21 specified test methods, but it's not 22 clear which ones they're not capable of 23 complying? 24 A. Yeah, it's really not clear.</p>

68 (Pages 266 to 269)

Donald Hicks

Page 270	Page 272
<p>1 It really could be anything.</p> <p>2 Q. But Guilin was conducting</p> <p>3 testing, completing certificates of</p> <p>4 analysis that were required by Johnson &amp;</p> <p>5 Johnson?</p> <p>6 MS. ECHTMAN: Objection.</p> <p>7 Outside of the scope as previously</p> <p>8 stated, which is limited to U.S.</p> <p>9 talc supply.</p> <p>10 MS. O'DELL: It was the U.S.</p> <p>11 talc supply. It was talc mined in</p> <p>12 China for U.S. Baby Powder. So</p> <p>13 this is well within the scope.</p> <p>14 BY MS. O'DELL:</p> <p>15 Q. So Guilin was conducting</p> <p>16 testing at the mine that populated</p> <p>17 certificates of analysis for talc that</p> <p>18 was shipped to Houston for use in Baby</p> <p>19 Powder, true?</p> <p>20 MS. ECHTMAN: Objection.</p> <p>21 You can answer.</p> <p>22 THE WITNESS: No, I don't</p> <p>23 think that's true. They were</p> <p>24 performing testing for their own</p>	<p>1 with the specifications in Johnson &amp;</p> <p>2 Johnson's raw material specs?</p> <p>3 MS. ECHTMAN: Objection.</p> <p>4 THE WITNESS: I think that</p> <p>5 Imerys certainly did. I think the</p> <p>6 issue for Johnson &amp; Johnson is</p> <p>7 that they were mining tons and</p> <p>8 tons of talc for many different</p> <p>9 companies for many different</p> <p>10 applications. And it was more</p> <p>11 important for us to test the ore</p> <p>12 that we were actually getting</p> <p>13 versus ore that we were not</p> <p>14 getting.</p> <p>15 BY MS. O'DELL:</p> <p>16 Q. Well, in terms of -- I'm not</p> <p>17 talking about ore you weren't getting.</p> <p>18 We are talking about ore that was mined</p> <p>19 and provided to J&amp;J and whether Guilin</p> <p>20 was capable of complying with the</p> <p>21 specifications outlined by J&amp;J. That's</p> <p>22 the context of our discussion, correct?</p> <p>23 A. That is the context. I</p> <p>24 think we have to be careful though that</p>
Page 271	Page 273
<p>1 information. They may have been</p> <p>2 providing those testing results to</p> <p>3 Imerys. Imerys was providing</p> <p>4 testing results conducted by their</p> <p>5 own laboratories and that's what</p> <p>6 they were sending to J&amp;J.</p> <p>7 BY MS. O'DELL:</p> <p>8 Q. You just stated that Guilin</p> <p>9 was testing for their own information and</p> <p>10 that Johnson &amp; Johnson did not require</p> <p>11 nor rely on the testing that Guilin</p> <p>12 performed, do I understand your testimony</p> <p>13 correctly?</p> <p>14 A. It was certainly part of the</p> <p>15 overall safeguard from -- you know, from</p> <p>16 a mine perspective. But those test</p> <p>17 results were being generated for either</p> <p>18 themselves or for their direct customers.</p> <p>19 And the testing that we had done was</p> <p>20 being done through Imerys.</p> <p>21 Q. And you had no interest in</p> <p>22 ensuring, based on what you're saying --</p> <p>23 no interest -- Johnson &amp; Johnson had no</p> <p>24 interest in ensuring that Guilin complied</p>	<p>1 the Guilin -- Guilin was not just</p> <p>2 separating our ore and testing the ore</p> <p>3 that would then be shipped to Imerys and</p> <p>4 converted back. They're testing samples</p> <p>5 for many different companies on a regular</p> <p>6 basis where they're the direct supplier</p> <p>7 to those companies.</p> <p>8 So our reliance was on</p> <p>9 testing the ore that we actually got in</p> <p>10 Houston. That's the ore that we wanted</p> <p>11 tested.</p> <p>12 Q. And to the degree that data</p> <p>13 from Guilin was provided to Johnson &amp;</p> <p>14 Johnson, Johnson &amp; Johnson would have</p> <p>15 wanted that data to be based on tests</p> <p>16 that were compliant with its own</p> <p>17 specifications, true?</p> <p>18 MS. ECHTMAN: Objection to</p> <p>19 form.</p> <p>20 THE WITNESS: The Guilin</p> <p>21 mine is providing talcum test</p> <p>22 results to Imerys, not to</p> <p>23 Johnson &amp; Johnson.</p> <p>24 (Document marked for</p>

69 (Pages 270 to 273)

Donald Hicks

<p style="text-align: right;">Page 274</p> <p>1 identification as Exhibit 2 Hicks-22.) 3 BY MS. O'DELL: 4 Q. Let me show you what I'm 5 marking as Exhibit 21. 6 MS. ECHTMAN: Are we on 22? 7 THE WITNESS: Can I just 8 make one comment on Exhibit 21? 9 MS. O'DELL: No, sir. We're 10 moving on. 11 BY MS. O'DELL: 12 Q. I'm sure your lawyer will 13 ask you questions if she's got to 14 follow-up. But for interest of time, I 15 need to move on. 16 A. Fine. 17 Q. Exhibit 22. 18 MS. ECHTMAN: Can we get 19 copies of 22, please? 20 MS. O'DELL: I thought I 21 gave them to you. Oh, sorry. 22 Excuse me. 23 BY MS. O'DELL: 24 Q. So Exhibit 22 is an e-mail</p>	<p style="text-align: right;">Page 276</p> <p>1 that aside. 2 (Document marked for 3 identification as Exhibit 4 Hicks-23.) 5 BY MS. O'DELL: 6 Q. Let me show you what I've 7 marked as Exhibit 23. 8 This is an e-mail from Janet 9 Stanish, who is from Pharma Tech, and she 10 is writing to Johnson &amp; Johnson 11 employees. 12 Do you see that? 13 November 8, 2011. 14 A. Yes, I do. 15 Q. She is referring in her 16 e-mail to certificates of analysis 17 requirements. 18 Do you see that? 19 A. Yes, I do. 20 Q. And specifically to a 21 certificate of analysis from Guilin for 22 milled lot and ore lot specifications. 23 And you'll turn over, Mr. Hicks, just to 24 be -- maybe this would help you some. On</p>
<p style="text-align: right;">Page 275</p> <p>1 from Alan Chen to yourself dated 2 November 28, 2011. 3 Do you see that? 4 A. Yes, I do. 5 Q. And he writes, "Hi, Don and 6 Mark," referring to Mark Zappa. "As for 7 the talc method" -- "test method issue, 8 as we all" -- "as we all involved in and 9 have been aware that test method 10 discrepancy issue is now existing at both 11 suppliers, Guilin, J&amp;J site QC, and RJ 12 Lee. Currently as advised from the team 13 we need suppliers to strictly adopt those 14 outlined in RM 008967." 15 Do you see that? 16 A. I do, yes. 17 Q. And does that make clear 18 that Guilin was not compliant with the 19 testing methods outlined in RM 008967. 20 MS. ECHTMAN: Objection. 21 THE WITNESS: Yeah, I do see 22 the discussion, yes. 23 BY MS. O'DELL: 24 Q. Okay. Let me -- you can put</p>	<p style="text-align: right;">Page 277</p> <p>1 Page 2. You'll see that a certificate of 2 analysis from Guilin for milled lot and 3 ore had been provided to Pharma Tech. 4 It says, "Some of the test 5 methods used by Guilin are not the same 6 as listed in RM 008967. 7 Do you see that? 8 A. Yes, I do. 9 Q. So it does appear that 10 certificates of analysis were being 11 provided by Pharma Tech in relation to 12 talc supplied for Johnson's Baby Powder 13 and that those test methods did not 14 comply with RM 008967? 15 MS. ECHTMAN: Objection. 16 Foundation. Objection to form. 17 THE WITNESS: So to first 18 put this in context, there was an 19 R&amp;D -- excuse me -- an R&amp;D 20 project, looking at -- and 21 procurement project to change -- 22 to possibly change the way that we 23 purchased talc, received talc, and 24 the question was do we bring talc</p>

70 (Pages 274 to 277)

Donald Hicks

Page 278	Page 280
<p>1 in directly from the supplier as</p> <p>2 the mining milling operation in</p> <p>3 China.</p> <p>4 And what this refers to is</p> <p>5 that an initial cut and then</p> <p>6 putting together a certificate for</p> <p>7 that potential process was created</p> <p>8 and sent to us for comment and</p> <p>9 review. Folks looked at it,</p> <p>10 commented back.</p> <p>11 So this is very much an</p> <p>12 in-process. This was not anything</p> <p>13 to do with actual production.</p> <p>14 This was an R&amp;D project that we</p> <p>15 were potentially getting ready to</p> <p>16 initiate and ultimately the</p> <p>17 decision was to cancel this</p> <p>18 project.</p> <p>19 BY MS. O'DELL:</p> <p>20 Q. In addition --</p> <p>21 A. And I --</p> <p>22 Q. Excuse me.</p> <p>23 A. And I suspect that -- this</p> <p>24 is 22? -- that Exhibit 22 probably</p>	<p>1 back that this isn't clear, you</p> <p>2 know, this is not the test that</p> <p>3 we -- that we recommend for</p> <p>4 whatever topic is covered here in</p> <p>5 these various sections.</p> <p>6 BY MS. O'DELL:</p> <p>7 Q. Was the Guilin mill used to</p> <p>8 process talc for use in Baby Powder to be</p> <p>9 sold in the U.S.?</p> <p>10 A. No.</p> <p>11 Q. We talked -- thank you, sir.</p> <p>12 You can put that aside.</p> <p>13 We've talked several times</p> <p>14 today about RJ Lee being the sole outside</p> <p>15 lab that was hired by Johnson &amp; Johnson</p> <p>16 to test its talcum powder products.</p> <p>17 Do you recall an audit of RJ</p> <p>18 Lee that took place in March of 2012?</p> <p>19 MS. ECHTMAN: Objection.</p> <p>20 Foundation.</p> <p>21 THE WITNESS: I do recall</p> <p>22 that audit, yes.</p> <p>23 (Document marked for</p> <p>24 identification as Exhibit</p>
Page 279	Page 281
<p>1 connects to the same thing.</p> <p>2 Q. In addition to Guilin's</p> <p>3 inability to comply with the</p> <p>4 specifications for whatever reason,</p> <p>5 Ms. Stanish also writes that she's having</p> <p>6 difficulty establishing linkage between</p> <p>7 the COA and quarterly or testing</p> <p>8 documents. And this is a requirement for</p> <p>9 me per section 10.0 of the spec.</p> <p>10 So in addition to the</p> <p>11 failure to comply with the testing,</p> <p>12 there's also an inability to link the</p> <p>13 test results with the ore itself, true?</p> <p>14 MS. ECHTMAN: Objection.</p> <p>15 THE WITNESS: No, I don't</p> <p>16 think that's true. I think that</p> <p>17 there was a draft C of A that was</p> <p>18 requested to be prepared by the</p> <p>19 Guilin mulling company, which we</p> <p>20 were not using on a regular basis.</p> <p>21 We asked them to send it out, take</p> <p>22 a look at it. Folks both at PTI</p> <p>23 and Johnson &amp; Johnson did look at</p> <p>24 it. And they're making comments</p>	<p>1 Hicks-24.)</p> <p>2 BY MS. O'DELL:</p> <p>3 Q. I'll hand you what I've</p> <p>4 marked as Exhibit 24. It's a report from</p> <p>5 that audit. This is a Johnson &amp; Johnson</p> <p>6 Consumer Products worldwide audit report,</p> <p>7 correct?</p> <p>8 A. That is correct, yes.</p> <p>9 Q. And this would be a document</p> <p>10 that would be generated in the normal</p> <p>11 course of business, true?</p> <p>12 A. It would be, yes.</p> <p>13 Q. And the audit took place on</p> <p>14 -- excuse me, not on, but during March of</p> <p>15 2012.</p> <p>16 A. It did, yes.</p> <p>17 Q. The audit was performed by</p> <p>18 members of the QC team.</p> <p>19 Do you see that?</p> <p>20 A. It was the QA team. Quality</p> <p>21 assurance, yes.</p> <p>22 Q. And quality assurance team</p> <p>23 would have been at least in part under</p> <p>24 your supervision at this time?</p>

71 (Pages 278 to 281)

Donald Hicks

<p style="text-align: right;">Page 282</p> <p>1 A. These individuals were not, 2 but we were working within the same 3 broad-based quality assurance unit. 4 Q. If you'll turn to Page 4 of 5 7, you'll find an observation rating 6 classification. 7 A. Yes, I see that. 8 Q. And this audit that was 9 conducted was conducted of RJ Lee, true? 10 A. Yes. 11 Q. And part of the audit 12 process has this observation rating 13 classification, the most serious of which 14 is entitled critical. 15 Do you see that? 16 A. Yes, I do. 17 Q. And, "An observation is 18 defined as critical when any one or more 19 of the following conditions apply: One, 20 any nonconformance or noncompliance that 21 already has or if allowed to continue 22 presents a high risk of adversely 23 affecting product performance, safety, 24 therapeutic efficacy, or regulatory</p>	<p style="text-align: right;">Page 284</p> <p>1 were not available at the time of 2 the audit. 3 BY MS. O'DELL: 4 Q. It says, number one, they 5 did not have TM 7164 and were using IP 6 2007, which would not be in compliance 7 with the raw materials specification 8 sheet that -- instituted by J&amp;J, correct? 9 MS. ECHTMAN: Objection. 10 THE WITNESS: That's what it 11 reads, yes. 12 BY MS. O'DELL: 13 Q. They had no current TM 7024 14 for asbestos testing at the site. And RJ 15 Lee indicated that the test method was 16 not optimal for asbestos testing. So 17 they had not been -- evidently not been 18 using it; is that correct? 19 MS. ECHTMAN: Objection. 20 THE WITNESS: Yes, that's 21 what it indicates here, yes. I 22 might add RJ Lee did in fact 23 respond to all of these and these 24 documents were unavailable because</p>
<p style="text-align: right;">Page 283</p> <p>1 requirements. 2 "Two, the observation 3 represents the complete absence and/or 4 systematic application of one or more 5 quality system elements or system 6 components necessary to meet regulatory 7 requirements. 8 "Three, the observation is a 9 repeated major relates to failure to meet 10 a commitment made to the regulatory 11 authority." 12 Turn over to the next page, 13 Mr. Hicks. 14 By the way, did you review 15 this in preparation for your deposition? 16 A. I have seen this one, yes. 17 Q. And RJ Lee received a 18 critical observation in relation to 19 certain testing methods, true? 20 MS. ECHTMAN: Objection to 21 form. 22 THE WITNESS: They did 23 receive a critical observation in 24 that essentially the documents</p>	<p style="text-align: right;">Page 285</p> <p>1 the people that manage the 2 document control system for RJ Lee 3 were not there the day of the 4 audit and were not able to pull 5 them up on their system. But if 6 you had their response and 7 corrective action, you'd be able 8 to see that. 9 BY MS. O'DELL: 10 Q. The critical nature of the 11 observation was such that -- it wasn't -- 12 despite RJ Lee's response, the critical 13 observation was not amended to be removed 14 by the audit team, was it? 15 MS. ECHTMAN: Objection. 16 THE WITNESS: It was 17 responded to by RJ Lee and 18 reviewed by the audit team. 19 BY MS. O'DELL: 20 Q. And there was no change in 21 the audit report following RJ Lee's 22 response to the audit, correct? 23 A. We typically would not 24 change audit reports once they have been</p>

Donald Hicks

Page 286	Page 288
<p>1 written. We respond to the statements. 2 Q. All right. So without a 3 change to the audit report, a critical 4 observation remained on RJ Lee's record, 5 if you will, within Johnson &amp; Johnson? 6 MS. ECHTMAN: Objection. 7 THE WITNESS: That's my 8 recollection, yes. 9 BY MS. O'DELL: 10 Q. And based on that audit, 11 which had not only that critical finding, 12 but other negative findings, a 13 determination was made within Johnson &amp; 14 Johnson that RJ Lee could not be 15 classified as a GMP release test lab, 16 true? 17 A. Based upon the initial 18 comments from the audit, that was the 19 conclusion. However, RJ Lee did respond. 20 This critical observation was addressed 21 very, very quickly by them. Most of it 22 was miscommunication between the auditor 23 and the folks that were available on 24 site.</p>	<p>1 just say this. 2 RJ Lee was being considered 3 to be a testing lab for release purposes, 4 true? 5 MS. ECHTMAN: Objection. 6 THE WITNESS: They were 7 being considered for -- not for 8 release purposes, but for 9 monitoring of talc across the 10 globe. 11 (Document marked for 12 identification as Exhibit 13 Hicks-25.) 14 BY MS. O'DELL: 15 Q. I'll show you what I've 16 marked as Exhibit 25. This e-mail is 17 dated April 16, 2012. Excuse me. Yes, 18 April 16, 2012. 19 Do you see that? 20 A. I do see that. 21 Q. After the audit of RJ Lee. 22 And it is written by Michael Hollweck, a 23 quality assurance manager to yourself, 24 Mark Zappa, and Tom Himmelsbach.</p>
Page 287	Page 289
<p>1 Q. That was not my question, 2 sir. 3 A. But it's important to have 4 the context, I think. 5 Q. Okay. I think your 6 question -- your response does not -- 7 your answer was not responsive to my 8 question. So let me just ask you again. 9 There was a critical 10 observation on RJ Lee's audit, true? 11 A. Yes. 12 Q. RJ Lee responded, true? 13 A. Yes, they did. 14 Q. That observation of critical 15 deficiencies remained on the audit after 16 RJ Lee responded, true? 17 MS. ECHTMAN: Objection. 18 THE WITNESS: It is standard 19 practice to leave it on the audit, 20 the original findings, yes, even 21 though it may have been corrected 22 or a miscommunication. 23 BY MS. O'DELL: 24 Q. Based on the audit -- let me</p>	<p>1 Do you see that? 2 A. Yes, I do. 3 Q. And Mr. Hollweck writes, 4 "All, please see the attached audit 5 report for the audit conducted by myself 6 and Sue Butler of RJ Lee as a release 7 testing facility." 8 Does that refresh your 9 memory that RJ Lee was being considered 10 as a release testing facility? 11 MS. ECHTMAN: Objection. 12 Foundation. 13 THE WITNESS: I think 14 Mr. Michael Hollweck was confused. 15 They were not being considered for 16 a release testing facility. There 17 was no indication or project to 18 address that. 19 BY MS. O'DELL: 20 Q. "Based on the results of our 21 audit we cannot classify them as a site 22 that can conduct GMP" -- good 23 manufacturing practices -- "releases for 24 Johnson &amp; Johnson since there was one</p>

73 (Pages 286 to 289)

Donald Hicks

Page 290	Page 292
<p>1 critical observation."</p> <p>2 Did I read that correctly?</p> <p>3 A. You did.</p> <p>4 Q. In addition to the critical</p> <p>5 observation in the audit that we've just</p> <p>6 been talking about, Mr. Hicks, RJ Lee</p> <p>7 also had two other major negative</p> <p>8 observations and three other minor</p> <p>9 observations, true?</p> <p>10 A. Yes.</p> <p>11 Q. And a major observation is,</p> <p>12 "Any nonconformance or noncompliance that</p> <p>13 if allowed to continue has a moderate</p> <p>14 risk of adversely affecting product</p> <p>15 performance, safety, therapeutic efficacy</p> <p>16 or regulatory requirements. The</p> <p>17 observation represents the significant</p> <p>18 gap and/or gaps in application of one or</p> <p>19 more quality systems, elements, or system</p> <p>20 components necessary to meet regulatory</p> <p>21 requirements. This includes systemic</p> <p>22 lack of documented evidence of</p> <p>23 application and the key elements, any</p> <p>24 isolated noncompliance in not reporting,</p>	<p>1 had one critical, three major</p> <p>2 observations, and three minor</p> <p>3 observations, true?</p> <p>4 A. That's correct.</p> <p>5 Q. Couldn't call that a</p> <p>6 positive audit, could you?</p> <p>7 MS. ECHTMAN: Objection.</p> <p>8 THE WITNESS: I think the</p> <p>9 term "positive" is very general.</p> <p>10 I think typically when we do</p> <p>11 audits we have findings and RJ Lee</p> <p>12 responded to those findings.</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. Findings that were negative</p> <p>15 and that called into question the testing</p> <p>16 being performed at their lab, true?</p> <p>17 MS. ECHTMAN: Objection.</p> <p>18 THE WITNESS: I don't</p> <p>19 believe so. We continued to use</p> <p>20 those results, continued to use RJ</p> <p>21 Lee, and those corrective actions</p> <p>22 were addressed. Either they</p> <p>23 turned out to not be accurate, or</p> <p>24 they were corrected.</p>
Page 291	Page 293
<p>1 or reporting late any required regulatory</p> <p>2 health authority reports or notification</p> <p>3 is a major."</p> <p>4 Did I read that correctly?</p> <p>5 MS. ECHTMAN: Objection.</p> <p>6 MS. SHARKO: Now, how is</p> <p>7 "did I read that correctly"</p> <p>8 appropriate 30(b)(6) testimony? I</p> <p>9 think we're going to have to take</p> <p>10 it to the judge. That's not the</p> <p>11 purpose of the 30(b)(6)</p> <p>12 deposition.</p> <p>13 MS. O'DELL: Certainly it</p> <p>14 is. Susan, I can ask the witness</p> <p>15 about a document, a Johnson &amp;</p> <p>16 Johnson document, and ask him if I</p> <p>17 present him with a document and</p> <p>18 ask him if I read something</p> <p>19 correctly. That's perfectly</p> <p>20 appropriate.</p> <p>21 BY MS. O'DELL:</p> <p>22 Q. I think you said I read that</p> <p>23 correctly, Mr. Hicks.</p> <p>24 In the 2012 audit, RJ Lee</p>	<p>1 BY MS. O'DELL:</p> <p>2 Q. Or Johnson &amp; Johnson</p> <p>3 overlooked them?</p> <p>4 MS. ECHTMAN: Objection.</p> <p>5 THE WITNESS: I don't think</p> <p>6 that's the case. There's no</p> <p>7 evidence to support that.</p> <p>8 BY MS. O'DELL:</p> <p>9 Q. Well, in 2016, Johnson &amp;</p> <p>10 Johnson conducted another audit of RJ</p> <p>11 Lee.</p> <p>12 A. Yes, we did.</p> <p>13 Q. And did you review that</p> <p>14 audit report in preparation for your</p> <p>15 testimony here today as a 30(b)(6)</p> <p>16 witness for J&amp;J?</p> <p>17 A. Yes, I did.</p> <p>18 (Document marked for</p> <p>19 identification as Exhibit</p> <p>20 Hicks-26.)</p> <p>21 BY MS. O'DELL:</p> <p>22 Q. I'll show you what I'm</p> <p>23 marking as Exhibit 26. Is that a copy of</p> <p>24 Johnson &amp; Johnson's audit report of RJ</p>

74 (Pages 290 to 293)

Donald Hicks

Page 294	Page 296
<p>1 Lee in relation to their audit dated 2 March 21-22, 2016? 3 A. Yes, it is. 4 Q. If you'll turn to Page 2, 5 audit detail at the top of the page. 6 According to this, the purpose of the 7 audit was as follows: 8 "The site was audited to 9 requirements of the FDA and Johnson &amp; 10 Johnson. An assessment was conducted for 11 the firm's overall capabilities to 12 successfully perform analytical testing 13 of J&amp;J samples to regulatory and J&amp;J 14 specifications, requirements and 15 expectations." 16 Was that the purpose of the 17 audit of RJ Lee by Johnson &amp; Johnson? 18 MS. ECHTMAN: Objection. 19 THE WITNESS: I think it's a 20 general statement. It is. It 21 does not say for release testing, 22 which is not the case with RJ Lee. 23 BY MS. O'DELL: 24 Q. I didn't ask you, sir, about</p>	<p>1 comment was I didn't ask him about 2 release testing. And that was 3 very clear from my question. I 4 just asked for the purpose of the 5 audit. 6 BY MS. O'DELL: 7 Q. And so we're clear, 8 Mr. Hicks, the purpose of this audit was 9 to assess whether -- to assess the firm's 10 overall capabilities to successfully 11 perform analytical testing of J&amp;J samples 12 to regulatory and J&amp;J specifications, 13 requirements, and expectations. That's 14 the stated purpose of this audit, true? 15 A. It is, yes. 16 Q. Was a rating assigned to RJ 17 Lee as a result of this audit? 18 A. An audit rating was 19 assigned, yes. 20 Q. And that rating was 21 marginal? 22 A. Yes, it was. 23 Q. If you'll turn to Page 10 of 24 14, it lists the observations from the</p>
Page 295	Page 297
<p>1 release testing. I just asked you, was 2 that the purpose of the audit in 2016? 3 Is that what the report says? 4 MS. ECHTMAN: Ms. O'Dell, I 5 want to point out because there 6 was discussion earlier about what 7 was permissible in terms of 8 commenting on the witness's 9 answers. 10 And the letter to Honorable 11 Joel Pisano says, "The parties 12 shall cooperate during the course 13 of examination, will refrain from 14 unnecessary colloquy and 15 objections to answers and to 16 questions." 17 And so I just want to point 18 out that your question was asked 19 and answered. And we should not 20 be moving to strike or telling the 21 witness that he didn't answer your 22 question when he did. But I'll 23 let you go ahead. 24 MS. O'DELL: I think my</p>	<p>1 audit. 2 The first observation 3 relates to the cleanliness of the lab and 4 equipment. 5 Do you see that? 6 A. Yes, I do. 7 Q. The second observation, 8 which is also a major observation, 9 relates to, "Performance qualification 10 has not been completed for XRF testing. 11 The PQ needs to be closed out. The 12 associated procedures for the operation 13 and maintenance of the XRD 019 and XRD 14 026 lab equipment need to be effective 15 rather in draft and training completed as 16 soon as possible." 17 It goes on to say, "Software 18 validation, specific parameters on XRF 19 should have been applied when the 20 original samples were analyzed. RJ Lee 21 must ensure these talc parameters are 22 validated for use in the XRD and XRF 23 equipment so that an analysis" -- excuse 24 me -- "that an analyst conducts a test</p>

75 (Pages 294 to 297)

Donald Hicks

<p style="text-align: right;">Page 298</p> <p>1 with only the required parameters for 2 each test." 3 So two major observations. 4 One relating to the cleanliness of the 5 lab. Second relating to the fact that 6 XRD, one of the XRD machines is not 7 compliant in terms of software 8 validation. 9 MS. ECHTMAN: Objection. 10 BY MS. O'DELL: 11 Q. XR -- did I read that 12 correctly? 13 A. That is the indication from 14 reading this document, yes. 15 Q. And XRD is one of the major 16 types of tests that is performed on talc 17 samples, correct? 18 A. Yes, it is. 19 Q. XRD is performed on every 20 talc sample, correct? 21 A. That's correct. 22 Q. And having a machine that 23 has software that has not been validated 24 for specific talc parameters is a major</p>	<p style="text-align: right;">Page 300</p> <p>1 A. Who are not experts in XRD 2 analysis. 3 Q. But they certainly had a 4 concern that the XRD had not been 5 programmed with specific talc parameters, 6 correct? 7 MS. ECHTMAN: Objection. 8 THE WITNESS: The 9 consequence of that is very much 10 unclear. I think the fact that 11 it's reported as a major, not a 12 critical, suggests that it's not a 13 -- not the strong issue that would 14 result in incorrect results. 15 BY MS. O'DELL: 16 Q. It doesn't say that on the 17 audit report though, does it? 18 MS. ECHTMAN: Objection. 19 THE WITNESS: No, but the 20 definition of a critical 21 observation is something that 22 would affect the outcome of the 23 results of the acceptability of 24 the material for release.</p>
<p style="text-align: right;">Page 299</p> <p>1 concern in terms of the accuracy of the 2 testing, correct? 3 MS. ECHTMAN: Objection. 4 THE WITNESS: I don't know 5 that it says here that it's a 6 concern about the accuracy of the 7 testing. 8 BY MS. O'DELL: 9 Q. I'm asking you that 10 question. If the software is not 11 validated and it's not programmed to be 12 compliant with talc specifications, that 13 calls into question the results of the 14 testing performed by that XRD machine? 15 MS. ECHTMAN: Objection. 16 THE WITNESS: Not -- not 17 necessarily. I think the context 18 here is unclear, particularly 19 without comments from RJ Lee 20 relative to this observation. 21 BY MS. O'DELL: 22 Q. Well, this audit was 23 performed by employees of Johnson &amp; 24 Johnson, true?</p>	<p style="text-align: right;">Page 301</p> <p>1 BY MS. O'DELL: 2 Q. And the definition of a 3 major observation also involves issues of 4 health and safety, correct? 5 A. It also does, yes. 6 Q. If you'll turn to Page 11 of 7 14. This is another major finding 8 relating to the testing of talc in the 9 presence of chrysotile. 10 Do you see that? 11 A. Yes, I do. 12 Q. It says, "In several 13 instances a CAR" -- what's a CAR 14 Mr. Hicks, do you know? 15 A. It's commonly referred to as 16 a corrective action request or a report. 17 Q. -- "was not opened to 18 document why there was the presence of 19 chrysotile, white asbestos, in J&amp;J 20 analytical reports." It says, "Tracking 21 sheet is used to list the sample number, 22 the initials date of a person who prepped 23 the samples and the initial" -- "and the 24 initial and the date of the analyst, the</p>

Donald Hicks

Page 302	Page 304
<p>1 samples are split six ways for PLM, TEM, 2 XRD, XRF and two P-cup size containers 3 for CHEM." And then, "In 5756-3, absence 4 of asbestos. 5 Then it goes on to say, 6 "Sample labels include sample number, 7 product number, or lot. 8 "The lab report stated that 9 for each talc sample number there was no 10 asbestiform minerals detected. The 11 report was signed by Craig Huntington, 12 analyst, on 2/11/2016. The tracking 13 sheet listed that final proofreading by 14 manager was done 2/11/2016, the same day. 15 Point count data sheet for the samples 16 indicated that there were no asbestos 17 (chrysotile, amosite, crocidolite, 18 anthrophyllite, tremolite, actinolite) or 19 non-asbestos fibers (cellulose, 20 fiberglass, et cetera). 21 "Polarized light microscopy 22 point count worksheet for asbestos 23 analysis of bulk samples, white talc 24 powder was reviewed.</p>	<p>1 asking if I read it correctly. 2 And now I'm going to ask him 3 further questions about it. 4 I think that's very 5 appropriate. 6 MS. SHARKO: I disagree. We 7 have a judge available. Let's 8 call him and find out. This won't 9 come off of your seven hours. 10 MS. O'DELL: Let's go off 11 the record. 12 THE VIDEOGRAPHER: The time 13 is now 5:14. Going off the 14 record. 15 (Short break.) 16 THE VIDEOGRAPHER: The time 17 is now 5:25. Back on the record. 18 BY MS. O'DELL: 19 Q. Mr. Hicks, when we went off 20 the record, we were discussing the 21 March 2016 audit by J&amp;J of RJ Lee. And 22 we were reviewing an audit finding, a 23 major audit finding that started on Page 24 11 and had continued onto Page 12</p>
Page 303	Page 305
<p>1 "The verified sample login 2 data sheet was completed for samples by 3 Linda M. on 2/8/2016. The samples were 4 repped and analyzed on February 22nd, 5 2016. It indicated that the sample in ID 6 3138494 had multiple chrysotile 7 particulate" -- or "particles." 8 Do you see that? 9 MS. ECHTMAN: All right. 10 Objection. Objection to you 11 reading portions of a document 12 incompletely into the record and 13 asking the witness if he sees 14 that, is not a proper question. 15 MS. SHARKO: We're going to 16 take a break and call Judge 17 Pisano. And then we will find out 18 what's appropriate or not. 19 MS. O'DELL: Why can't I ask 20 him about an audit report and read 21 a portion and put it in context. 22 If I didn't, the objection would 23 be it's out of context. And so 24 I've given him full context. I'm</p>	<p>1 regarding the retesting of a talc sample. 2 Does that reorient you where we were? 3 A. Yes, it does. 4 Q. All right. RJ Lee had 5 tested a sample and it had been reported 6 as no asbestos present, correct? 7 MS. ECHTMAN: Objection. 8 THE WITNESS: It's a little 9 difficult to tell from this. But 10 I believe that's the case, yes. 11 BY MS. O'DELL: 12 Q. The sample was retested on 13 February 22, 2016. And multiple 14 chrysotile particles were found, true? 15 MS. ECHTMAN: Objection. 16 THE WITNESS: That's what 17 this indicates, yes. 18 BY MS. O'DELL: 19 Q. The retesting of the sample 20 was not documented adequately for sample 21 failure and it was "no root cause" for 22 the issue was documented. Is that what 23 the audit team found in relation to this 24 particular incident?</p>

77 (Pages 302 to 305)

Donald Hicks

Page 306	Page 308
<p>1 MS. ECHTMAN: Objection. 2 THE WITNESS: Yes, the 3 question was around -- the audit 4 observation was around the 5 documentation practices in those 6 situations. 7 BY MS. O'DELL: 8 Q. Were the results for the 9 initial sample testing for this 10 particular sample, which was ID'd as 11 3138494, provided to Johnson &amp; Johnson? 12 MS. ECHTMAN: Objection. 13 THE WITNESS: I do not know 14 that. 15 BY MS. O'DELL: 16 Q. Did RJ Lee make Johnson &amp; 17 Johnson aware of this retesting of the 18 sample without proper documentation prior 19 to -- excuse me. I skipped a word. Let 20 me start over. 21 Did RJ Lee report to 22 Johnson &amp; Johnson the positive test 23 result for multiple chrysotile particles 24 prior to the audit?</p>	<p>1 Q. What procedure was in place 2 to alert Johnson &amp; Johnson if asbestos 3 fibers were found in a talcum powder 4 sample? 5 MS. ECHTMAN: Objection. 6 THE WITNESS: Relative to RJ 7 Lee? 8 BY MS. O'DELL: 9 Q. Yes. 10 A. There was an open dialogue 11 between the two principals, including 12 myself, relative to any issue should be 13 shared immediately if a confirmed issue 14 was -- was determined. 15 Q. The two principals that 16 you're referring to are yourself and Drew 17 Van Orden for RJ Lee? 18 A. Yes. 19 Q. And this open dialogue was 20 communications between the two of you? 21 A. Yeah, we communicated on a 22 regular basis. Yes. 23 Q. All right. But there was no 24 written policy directing Mr. Van Orden</p>
Page 307	Page 309
<p>1 MS. ECHTMAN: Objection. 2 THE WITNESS: Not to my 3 knowledge. No, but it does 4 indicate here that it was reported 5 in the J&amp;J project report. It's 6 not clear whether that was a 7 report that was sent to us or not. 8 BY MS. O'DELL: 9 Q. And test results from RJ Lee 10 would have, according to the normal 11 procedure, been provided to your 12 department, the quality assurance 13 department? 14 A. If it was in fact our group 15 submitting the samples for evaluation. 16 R&amp;D as well as submitting samples 17 independently for evaluation. 18 Q. But for quarterly test 19 results that were -- excuse me, for 20 quarterly tests that were being performed 21 on talcum powder samples, those test 22 reports came to your office as a matter 23 of course? 24 A. Yes, they did.</p>	<p>1 or anyone else at RJ Lee of the steps 2 that needed to be taken if a positive 3 talc -- if a talc sample had tested 4 positive for asbestos? 5 MS. ECHTMAN: Objection. 6 THE WITNESS: Well, the 7 requirement was none detected. So 8 if it was confirmed as being 9 detected, that would be a failure. 10 And failures, of course, would 11 have been reported. 12 BY MS. O'DELL: 13 Q. And what were -- what were 14 the reporting requirements for failed 15 test? 16 MS. ECHTMAN: Objection to 17 form. 18 THE WITNESS: To report it 19 immediately. 20 BY MS. O'DELL: 21 Q. How? 22 A. It might be through a phone 23 call. It might be through an e-mail. 24 Q. Was there any other --</p>

78 (Pages 306 to 309)

Donald Hicks

Page 310	Page 312
<p>1 excuse me. Strike that.</p> <p>2 Was there a written policy</p> <p>3 by J&amp;J directing you as to how to handle</p> <p>4 a positive test result for asbestos in</p> <p>5 talcum powder?</p> <p>6 A. No. There was a written</p> <p>7 policy on how to handle specification</p> <p>8 failures.</p> <p>9 MS. SHARKO: Why don't I</p> <p>10 suggest setting up a dial-in, say,</p> <p>11 at 7:30 tonight?</p> <p>12 MS. O'DELL: That works.</p> <p>13 BY MS. O'DELL:</p> <p>14 Q. Let me ask some questions</p> <p>15 about Pharma Tech just to make sure I've</p> <p>16 covered that.</p> <p>17 A. Are we moving off this</p> <p>18 exhibit?</p> <p>19 Q. Yes. Was Pharma Tech</p> <p>20 qualified for release testing during --</p> <p>21 from 2006 to 2017?</p> <p>22 A. They were qualified to do</p> <p>23 some release testing, yes.</p> <p>24 Q. But they were not qualified</p>	<p>1 Q. Mr. Hicks, let me show you</p> <p>2 what I'm going to mark as Exhibit 27.</p> <p>3 (Document marked for</p> <p>4 identification as Exhibit</p> <p>5 Hicks-27.)</p> <p>6 BY MS. O'DELL:</p> <p>7 Q. I've handed you a document</p> <p>8 entitled "Attestation Regarding Use of</p> <p>9 Talc in J&amp;J Body Powders" dated</p> <p>10 December 19, 2014. And this is a</p> <p>11 document that you signed on behalf of</p> <p>12 Johnson &amp; Johnson as senior director</p> <p>13 North America business quality and</p> <p>14 compliance, Baby and Caribbean.</p> <p>15 What is the purpose of this</p> <p>16 document?</p> <p>17 A. There was a request from our</p> <p>18 regulatory team to provide an attestation</p> <p>19 regarding which baby powders and</p> <p>20 head-to-toe body powders over the past</p> <p>21 13 years contained talc.</p> <p>22 Q. What regulatory body</p> <p>23 requested this information?</p> <p>24 A. I don't specifically recall</p>
Page 311	Page 313
<p>1 to do all the testing that would be</p> <p>2 necessary to comply with the raw</p> <p>3 materials specifications, correct?</p> <p>4 A. That's correct. They in</p> <p>5 fact did not have the equipment needed to</p> <p>6 do any of those tests.</p> <p>7 Q. I think you mentioned this</p> <p>8 earlier. The testing they could do</p> <p>9 was -- well, remind me. What are the</p> <p>10 tests that Pharma Tech could perform</p> <p>11 within their testing facilities?</p> <p>12 A. So physical appearance.</p> <p>13 They could do bulk density. They could</p> <p>14 do screening analysis. They could do the</p> <p>15 microbiological testing.</p> <p>16 Q. But they were not qualified</p> <p>17 to test for arsenic, for example?</p> <p>18 A. No, they were not.</p> <p>19 Q. Heavy metals?</p> <p>20 A. No.</p> <p>21 Q. Asbestos certainly?</p> <p>22 A. No. As I said they didn't</p> <p>23 have the equipment to do that kind of</p> <p>24 analysis.</p>	<p>1 at this point. It was funneled through</p> <p>2 our regulatory affairs team.</p> <p>3 Q. Is it your understanding</p> <p>4 that this document was made a part of a</p> <p>5 submission to the Food and Drug</p> <p>6 Administration?</p> <p>7 A. It may have been. I don't</p> <p>8 recall specifically where it was used.</p> <p>9 Q. I'm going to show you a</p> <p>10 series of documents, Mr. Hicks, that are</p> <p>11 certificates of analysis. And what I'd</p> <p>12 like to know is based on the form of the</p> <p>13 time period the certificate of analysis</p> <p>14 was in effect and at what point in the</p> <p>15 manufacturing process that that would</p> <p>16 have been the appropriate certificate of</p> <p>17 analysis.</p> <p>18 (Document marked for</p> <p>19 identification as Exhibit</p> <p>20 Hicks-28.)</p> <p>21 BY MS. O'DELL:</p> <p>22 Q. First let me show you what</p> <p>23 I'm going to mark as Exhibit 28. Is --</p> <p>24 one, is this an exhibit -- excuse me -- a</p>

79 (Pages 310 to 313)

Donald Hicks

<p style="text-align: right;">Page 314</p> <p>1 certificate of analysis that would be 2 required by the raw materials 3 specification RM 8967? 4 MS. ECHTMAN: I just want to 5 object and note that it says it's 6 the Glacier 200 FCC talc. 7 MS. O'DELL: Okay. 8 BY MS. O'DELL: 9 Q. Let me just ask you. Is 10 Glacier 200 FCC talc, talc that would be 11 used in Baby Powder? 12 A. It is not. 13 Q. Okay. That's easy. I'm not 14 trying to ask a trick question. We've 15 got a ton of these, we're trying to 16 figure out what they go to and at what 17 point in the process. 18 (Document marked for 19 identification as Exhibit 20 Hicks-29.) 21 BY MS. O'DELL: 22 Q. I'm going to show you 23 another one. I'm going to mark it as 24 Exhibit 29. Give me a moment. I've lost</p>	<p style="text-align: right;">Page 316</p> <p>1 The lower section where it 2 says ore report data are the testing 3 results -- composite testing results on 4 that particular ore lot that the milled 5 lot was using. 6 (Document marked for 7 identification as Exhibit 8 Hicks-30.) 9 BY MS. O'DELL: 10 Q. Let me show you what I'm 11 marking as Exhibit Number 30. But before 12 I do that, for the testing that is 13 reported in Exhibit 29, who performed the 14 test for the results that are outlined in 15 middle and lower sections? 16 So those would be the -- 17 first let me ask you about the middle 18 section where it talks about appearance, 19 whiteness, fineness, loose, bulk, 20 density. Who would perform that testing? 21 A. That would be the Imerys 22 Houston, Texas facility. 23 Q. Would that test be performed 24 in Houston or in China?</p>
<p style="text-align: right;">Page 315</p> <p>1 my folder for that one so. Here we go. 2 This is a certificate of 3 analysis that's required by the raw 4 materials Specification 8967? 5 A. It does reference that J&amp;J 6 specification in the C of A, yes. 7 Q. And at what point in the 8 manufacturing process is this certificate 9 of analysis supposed to be generated? 10 A. So this is generated for a 11 milled lot that is being shipped to the 12 PTI Royston, Georgia facility. 13 Q. Where would the sample that 14 was tested to generate these results have 15 been obtained in the manufacturing 16 process? 17 A. So for the milled talc, they 18 would -- which is referenced in the sort 19 of middle section of this document, that 20 would have been pulled after the milling 21 was complete and the product was -- or 22 the milled talc was being prepared for 23 either storage or movement into a -- into 24 a rail car.</p>	<p style="text-align: right;">Page 317</p> <p>1 A. They would be performed in 2 Houston. 3 Q. For the ore report data at 4 the lower portion of the exhibit, would 5 those tests be performed prior to 6 milling? 7 A. They would be pulled from 8 the -- samples would be pulled from the 9 ore lot at the -- in Houston Texas when 10 it's received and a composite sample 11 would then be selected and milled 12 together, and then testing would be done 13 on that milled composite lot. 14 Q. I'm going to show you 15 Exhibit 30, which is another certificate 16 of analysis. It appears to be generated 17 by Imerys. This one is dated in 2016, 18 four years after the one that we 19 previously looked at. It's got a 20 different format. 21 Was this certificate of 22 analysis and the information that's 23 contained therein designed by Johnson &amp; 24 Johnson?</p>

80 (Pages 314 to 317)

Donald Hicks

Page 318	Page 320
<p>1 A. I think the answer to your 2 question is yes. We had asked Imerys to 3 modify the format of their report, their 4 certificate of analysis report to 5 directly correlate to the J&amp;J 6 specification for the purposes of making 7 it easier to have this report reviewed 8 upon incoming receipt at Pharma Tech. 9 MS. ECHTMAN: I just want to 10 point out that this document 11 appears to be incomplete. It says 12 Page 1 of 2, and we only have one 13 page. 14 MS. O'DELL: You know, I 15 just -- we printed a full -- I 16 don't know that it came up in the 17 Relativity, our document system, 18 as more than one page. So I think 19 it was produced as one page. I'll 20 be happy to look. But it's my 21 belief that it was produced as one 22 page only, not a two-page 23 document. 24 MS. ECHTMAN: You'll have to</p>	<p>1 BY MS. O'DELL: 2 Q. Would all of these -- all of 3 these tests be performed in Houston? 4 A. Not necessarily. 5 Q. Which ones may not -- would 6 not necessarily be performed in Houston? 7 A. I can't tell from this 8 particular sheet. Maybe that's part of 9 Page 2. I'm not sure. But they do not 10 have the test lab indicated. It looks 11 like they were potentially using Nova 12 Biologicals in Texas for the composite 13 sample for a lot number. 14 Q. Would you repeat the name of 15 that lab? 16 A. It's listed here as Nova 17 Biologicals. So it's a little difficult 18 to tell. In the right-hand column they 19 list the lab number reference, and they 20 list the lab as one through four. Yet 21 the test lab codes only indicate Labs 1 22 through 2. So I think without the second 23 page, the second page probably had that 24 additional reference for Labs 3 and 4.</p>
Page 319	Page 321
<p>1 check on that. 2 MS. O'DELL: Yeah. 3 BY MS. O'DELL: 4 Q. Was the testing -- when was 5 the testing that is reported in this 6 exhibit -- what number are we on? 7 A. This is 30. 8 Q. 30. Thank you. Exhibit 30. 9 When was that testing performed in the 10 manufacturing process? 11 MS. ECHTMAN: Objection to 12 form. 13 THE WITNESS: So the testing 14 from 2.1 through 2.9 would have 15 been on the milled product, on the 16 actual milled product that would 17 be sent to PTI. The test below 18 that would have been tested on the 19 ore lot as a composite of the ore 20 that was then milled and then 21 tested and ultimately shipped to 22 J&amp;J, of course. But would have 23 been a composite sample. 24</p>	<p>1 Q. Stay tuned. If it was 2 produced with two pages, I'll follow-up 3 tomorrow. But at this point it was only 4 produced with one page, so we're a little 5 bit at a loss as to what the second page 6 was, if there was one. 7 A. Okay. 8 Q. In terms of results from 9 Guilin and the lab at the mine in China, 10 is it your testimony that those results 11 were not provided to J&amp;J? 12 A. That's correct yes. 13 Q. The reason I ask that 14 question is we have a Guilin Giguang Talc 15 Development Company certificate of 16 analysis for talc powder. It appears to 17 be for J&amp;J, and it is largely in Chinese. 18 MS. ECHTMAN: I think we've 19 already established that the 20 witness does not speak or read 21 Chinese. 22 MR. LAPINSKI: I don't think 23 that has been brought up. There's 24 no foundation for saying it.</p>

81 (Pages 318 to 321)

Donald Hicks

Page 322	Page 324
<p>1 MS. ECHTMAN: He did say it. 2 MS. O'DELL: I certainly 3 don't speak Chinese. 4 MS. ECHTMAN: If you've got 5 a certified translation, maybe we 6 can work with the document. 7 MS. O'DELL: I'm just -- I'm 8 working with what was produced to 9 us. Let me show it to you. 10 (Document marked for 11 identification as Exhibit 12 Hicks-31.) 13 BY MS. O'DELL: 14 Q. It's Exhibit Number 31. Is 15 that a certificate of analysis for 16 testing that was performed on Baby Powder 17 to be used in -- excuse me, talc to be 18 used in Baby Powder? 19 MS. ECHTMAN: Objection. 20 And certainly objection to the 21 extent that it might relate to 22 Baby Powder intended for the 23 Chinese market. 24 MS. O'DELL: That's a</p>	<p>1 that was to be used in Baby Powder to be 2 sold in North America? 3 A. It is not. 4 Q. Okay. What -- what country, 5 if you know, was that talc being tested 6 to be sold in? 7 A. Well, just to be clear, 8 there are multiple certificates of 9 analysis that are included here. There 10 are ones from the talc supplier for 11 India, for Thailand, and so -- and 12 Brazil. So this is a compilation of a 13 number of certificates that are provided 14 from talc suppliers around the world for 15 their local market. 16 Q. Okay. Thank you. 17 Mr. Hicks, let me see if I can short 18 circuit this just for a moment. 19 As senior director of 20 quality assurance, did you receive -- you 21 were senior director of North American 22 business quality and compliance, Baby and 23 Caribbean. 24 In your capacity for Johnson</p>
Page 323	Page 325
<p>1 speaking objection. 2 MS. ECHTMAN: You know what, 3 I'm going to say, also, you can't 4 ask the witness to answer 5 questions about a document that's 6 in Chinese. You have the option 7 of getting a certified translation 8 of any document. And you can show 9 him a translation. But you 10 prefaced your question with saying 11 that it's in Chinese, and I'm not 12 going to allow him to speculate as 13 to what it might be. 14 BY MS. O'DELL: 15 Q. Let me see. I think I've 16 overlooked my file here with a copy. Or 17 Mr. Hicks, if you would show counsel the 18 copy of the document. Somehow I've lost 19 my copy. You'll see that it's not 20 completely in Chinese. There is English. 21 It is readable. 22 So my question to you simply 23 is this, Mr. Hicks: Is that certificate 24 of analysis the result of testing of talc</p>	<p>1 &amp; Johnson did you receive copies of 2 consumer complaints from individuals or 3 their families who had suffered and died 4 from ovarian cancer, and they were 5 reporting that they had used Baby Powder? 6 MS. ECHTMAN: Objection. 7 THE WITNESS: I would not 8 receive individual complaints. 9 That would go to our medical group 10 for evaluation. And our consumer 11 contact folks would have logged 12 those. 13 We did have quarterly 14 meetings relative to complaint 15 trends, or if anything unusual was 16 coming through the system. 17 BY MS. O'DELL: 18 Q. And in terms of them being 19 sent to you directly, I understand that 20 they weren't sent to you directly, but 21 were you copied on complaints from women 22 or their families who had used Baby 23 Powder and been diagnosed and/or passed 24 away from ovarian cancer?</p>

82 (Pages 322 to 325)

Donald Hicks

Page 326	Page 328
<p>1 MS. ECHTMAN: Objection.</p> <p>2 THE WITNESS: No. That</p> <p>3 would have been outside of my</p> <p>4 scope. As I said, those would go</p> <p>5 directly to the medical department</p> <p>6 for review, reach outs, if needed</p> <p>7 for more information.</p> <p>8 BY MS. O'DELL:</p> <p>9 Q. Let me show you what I've</p> <p>10 marked as, I think -- are we at 33 or 32?</p> <p>11 A. 33.</p> <p>12 (Document marked for</p> <p>13 identification as Exhibit</p> <p>14 Hicks-32.)</p> <p>15 BY MS. O'DELL:</p> <p>16 Q. So Exhibit 33. This is a --</p> <p>17 MR. LAPINSKI: I have 32.</p> <p>18 MS. ECHTMAN: I have 32. If</p> <p>19 you can pass around a copy that</p> <p>20 would be great.</p> <p>21 MS. O'DELL: I just marked</p> <p>22 on the exhibit.</p> <p>23 THE WITNESS: Do you want to</p> <p>24 change this one.</p>	<p>1 Kelly Gottfried I believe</p> <p>2 was in the communications --</p> <p>3 public communications side of the</p> <p>4 business.</p> <p>5 BY MS. O'DELL:</p> <p>6 Q. What was the purpose of</p> <p>7 escalating this ovarian cancer complaint?</p> <p>8 A. At the time we had a new</p> <p>9 policy for escalating any serious</p> <p>10 complaints or events, and that policy,</p> <p>11 when it was initially issued, there was a</p> <p>12 bit of confusion relative to these types</p> <p>13 of complaints and whether we needed to</p> <p>14 escalate every one. This was by 2014</p> <p>15 already something that we were aware of</p> <p>16 and the policy was changed to, we would</p> <p>17 escalate new issues, but not the</p> <p>18 continuation of existing types of issues.</p> <p>19 Q. Would ovarian cancer at this</p> <p>20 time be a continuing issue?</p> <p>21 MS. ECHTMAN: Objection.</p> <p>22 Outside the scope. And I'll let</p> <p>23 the witness answer outside of the</p> <p>24 scope in his role as a 30(b)(6)</p>
Page 327	Page 329
<p>1 MS. O'DELL: Yeah, let me do</p> <p>2 that.</p> <p>3 BY MS. O'DELL:</p> <p>4 Q. Thank you, sir. This is a</p> <p>5 complaint that was received by Johnson &amp;</p> <p>6 Johnson on June 24th, 2014. And it</p> <p>7 relates to a complaint of a family who</p> <p>8 had ovarian cancer as a result of, or</p> <p>9 claiming it as a result of their use of</p> <p>10 Baby Powder.</p> <p>11 You were sent this -- this</p> <p>12 e-mail from Robert Jaeger regarding this</p> <p>13 particular complaint.</p> <p>14 You then forward it to</p> <p>15 others. Kelly Gottfried and Lesley</p> <p>16 Traver. Who are they?</p> <p>17 MS. ECHTMAN: Objection to</p> <p>18 the long preamble to the question</p> <p>19 about who people are. I'll allow</p> <p>20 the witness to answer.</p> <p>21 THE WITNESS: Lesley Traver</p> <p>22 was my boss at the time. She was</p> <p>23 VP of quality assurance for</p> <p>24 consumer.</p>	<p>1 witness.</p> <p>2 THE WITNESS: It would be an</p> <p>3 issue where they were repeat</p> <p>4 reports. There was considerable</p> <p>5 public publicity relative to this</p> <p>6 issue on TV, news print, as well</p> <p>7 as advertising late at night. And</p> <p>8 so that generated a number of</p> <p>9 these kinds of complaints being</p> <p>10 sent in.</p> <p>11 BY MS. O'DELL:</p> <p>12 Q. Numerous complaints were</p> <p>13 received from women and their families</p> <p>14 who were suffering or died from ovarian</p> <p>15 cancer; is that what you're saying?</p> <p>16 MS. ECHTMAN: Objection.</p> <p>17 Outside the scope of his role as a</p> <p>18 30(b)(6) witness. But I'll allow</p> <p>19 him to answer outside of that</p> <p>20 designation.</p> <p>21 THE WITNESS: In this case,</p> <p>22 it's simply reported as to a</p> <p>23 death. It doesn't indicate cause</p> <p>24 or potential cause.</p>

83 (Pages 326 to 329)

Donald Hicks

Page 330	Page 332
<p>1 BY MS. O'DELL: 2 Q. Okay. What standard 3 operating procedure are you referring to 4 when you say it recently changed in this 5 time period of 2014? 6 A. A -- 7 MS. ECHTMAN: Objection. Go 8 ahead. 9 THE WITNESS: There was a 10 revision to our issue escalation 11 policy in terms of what needed to 12 be escalated to various levels of 13 management. 14 And at this time there was 15 some question as to exactly how to 16 handle this type of complaint 17 coming in, whether it was a 18 repetitive type of event. 19 BY MS. O'DELL: 20 Q. Did that policy have a 21 standard operating procedure number? 22 A. It did. 23 Q. Do you recall what the 24 number of the policy was that was at</p>	<p>1 Q. And when you refer to the 2 North America leadership team, who is 3 included in that group? 4 A. So at this time, you would 5 have had, for example, mostly vice 6 presidential level individuals on this 7 team. It might be marketing, sales, R&amp;D, 8 quality, so it was a very high level team 9 looking at overall functioning of the 10 businesses. 11 Q. Were the executive vice 12 presidents to be a part of that team? 13 MS. ECHTMAN: Objection to 14 the form. 15 THE WITNESS: Vice 16 presidents were part of that team, 17 yes. 18 BY MS. O'DELL: 19 Q. Would members of management 20 above the vice presidential level be a 21 part of that team? 22 MS. ECHTMAN: Objection. 23 THE WITNESS: Yes. I would 24 say that there's -- I believe</p>
Page 331	Page 333
<p>1 issue in this time frame of June 2014? 2 A. No, I do not. 3 Q. Was the name of the policy 4 an issue escalation policy? 5 A. It would -- if you were 6 searching, it would have the term 7 "escalation" in the policy. 8 Q. What is issue escalation? 9 What does that mean? 10 A. It's ensuring that 11 executive -- that management, executive 12 management are aware that there is a 13 serious issue that's been reported or 14 that's found. It might not be a customer 15 complaint. It might be an out of spec 16 result. In this case it was a customer 17 complaint. 18 Q. What is -- what does the 19 acronym NALT stand for, N-A-L-T? 20 MS. ECHTMAN: Objection. 21 THE WITNESS: This refers to 22 the North American leadership 23 team. 24 BY MS. O'DELL:</p>	<p>1 there's only one level above the 2 vice presidential level and that's 3 president. And there's only one 4 president. 5 BY MS. O'DELL: 6 Q. And so the president of 7 Johnson &amp; Johnson would participate in 8 these North American leadership team 9 meetings? 10 A. Johnson &amp; Johnson Consumer 11 U.S. 12 Q. Do -- -- 13 MS. ECHTMAN: Can you let us 14 know where we are on time? 15 THE VIDEOGRAPHER: We're at 16 just about seven in about 17 30 seconds. We're at seven hours 18 and 29 seconds right now. 19 MS. O'DELL: Okay. I'll 20 stop. 21 THE VIDEOGRAPHER: The time 22 is now 6:09. Going off the 23 record. 24 (Excused.)</p>

84 (Pages 330 to 333)

Donald Hicks

<p style="text-align: right;">Page 334</p> <p>1 (Deposition adjourned at 2 approximately 6:09 p.m.) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 336</p> <p>1 INSTRUCTIONS TO WITNESS 2 3 Please read your deposition 4 over carefully and make any necessary 5 corrections. You should state the reason 6 in the appropriate space on the errata 7 sheet for any corrections that are made. 8 After doing so, please sign 9 the errata sheet and date it. 10 You are signing same subject 11 to the changes you have noted on the 12 errata sheet, which will be attached to 13 your deposition. 14 It is imperative that you 15 return the original errata sheet to the 16 deposing attorney within thirty (30) days 17 of receipt of the deposition transcript 18 by you. If you fail to do so, the 19 deposition transcript may be deemed to be 20 accurate and may be used in court. 21 22 23 24</p>
<p style="text-align: right;">Page 335</p> <p>1 2 CERTIFICATE 3 4 5 I HEREBY CERTIFY that the 6 witness was duly sworn by me and that the 7 deposition is a true record of the 8 testimony given by the witness. 9 10 It was requested before 11 completion of the deposition that the 12 witness, DONALD HICKS, have the 13 opportunity to read and sign the 14 deposition transcript. 15 16 MICHELLE L. GRAY, 17 A Registered Professional 18 Reporter, Certified Shorthand 19 Reporter, Certified Realtime 20 Reporter and Notary Public 21 Dated: July 16, 2018 22 23 (The foregoing certification 24 of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)</p>	<p style="text-align: right;">Page 337</p> <p>1 - - - - - 2 E R R A T A 3 - - - - - 4 PAGE LINE CHANGE 5 6 REASON: _____ 7 8 REASON: _____ 9 10 REASON: _____ 11 12 REASON: _____ 13 14 REASON: _____ 15 16 REASON: _____ 17 18 REASON: _____ 19 20 REASON: _____ 21 22 REASON: _____ 23 24 REASON: _____</p>

85 (Pages 334 to 337)

Donald Hicks

<p style="text-align: right;">Page 338</p> <p>1 2           ACKNOWLEDGMENT OF DEPONENT 3 4           I, _____, do 5 hereby certify that I have read the 6 foregoing pages, 1 - 339, and that the 7 same is a correct transcription of the 8 answers given by me to the questions 9 therein propounded, except for the 10 corrections or changes in form or 11 substance, if any, noted in the attached 12 Errata Sheet. 13 14 15 16       _____ 17       DONALD HICKS                      DATE 18 19       Subscribed and sworn 20 to before me this 21       ____ day of _____, 20 ____. 22       My commission expires: _____ 23 24       _____ 25       Notary Public</p>	
<p style="text-align: right;">Page 339</p> <p>1           LAWYER'S NOTES 2       PAGE LINE 3 4       _____ 5       _____ 6       _____ 7       _____ 8       _____ 9       _____ 10       _____ 11       _____ 12       _____ 13       _____ 14       _____ 15       _____ 16       _____ 17       _____ 18       _____ 19       _____ 20       _____ 21       _____ 22       _____ 23       _____ 24       _____</p>	

<b>A</b>	<b>acknowledged</b>	<b>adequate</b> 203:19	<b>agreeing</b> 62:11	5:15 95:10
<b>A's</b> 112:23	140:18	<b>adequately</b>	164:10 166:8	285:13
<b>a.m</b> 1:17 12:8	<b>ACKNOWLEDGE...</b>	305:20	<b>agreement</b> 13:8	<b>America</b> 3:21
73:16	338:2	<b>adjacent</b> 234:15	21:23 22:13	36:13,16 97:12
<b>abbreviated</b>	<b>acronym</b> 331:19	<b>adjourned</b>	27:20 29:12	241:3 242:17
199:4	<b>actinolite</b>	334:1	30:10,12	312:13 324:2
<b>ability</b> 49:3	302:18	<b>Administration</b>	105:21 125:10	332:2
<b>able</b> 44:14 48:5	<b>action</b> 169:16	313:6	129:16 130:3	<b>American</b>
48:14 49:4	171:7 173:8,23	<b>adopt</b> 250:6	150:4	324:21 331:22
157:10 160:9	175:19 176:2,9	251:2,8 253:17	<b>ahead</b> 88:24	333:8
163:24 164:2	285:7 301:16	275:13	159:13 167:16	<b>amosite</b> 302:17
165:15 263:19	<b>actions</b> 209:21	<b>adopted</b> 74:14	295:23 330:8	<b>amount</b> 28:16
268:12 285:4,7	292:21	251:16 253:2	<b>Alabama</b> 2:4	29:8,13 59:11
<b>absence</b> 283:3	<b>actively</b> 41:6	<b>adult</b> 180:11	<b>Alan</b> 275:1	59:18 78:20
302:3	42:2,4	<b>adults</b> 170:15	<b>albeit</b> 200:21	157:11,14,16
<b>absolutely</b>	<b>activities</b> 204:12	<b>advance</b> 68:21	<b>alert</b> 173:8,13	158:23 159:1
115:19 179:10	219:6 246:1	<b>advantage</b>	176:2,9 185:17	159:20 160:9
224:15 233:14	247:24	220:12	308:2	163:5 164:6,22
<b>absorption</b>	<b>actual</b> 37:22	<b>adversely</b>	<b>alerted</b> 228:18	185:12 188:6
69:21 70:4	75:19 115:3	206:14 282:22	<b>Alexandria</b> 2:9	188:23 196:6
<b>academia</b> 147:5	197:6,20	290:14	<b>align</b> 176:1	197:3,10,16
149:6 150:8	278:13 319:16	<b>advertising</b>	<b>aligned</b> 129:12	220:16
<b>acceptability</b>	<b>add</b> 54:24	329:7	<b>alignment</b> 81:6	<b>amounts</b> 145:24
300:23	154:17 209:23	<b>advised</b> 275:12	137:22	184:22
<b>acceptable</b>	284:22	<b>advisement</b>	<b>ALLEN</b> 2:2	<b>Amphibole</b> 6:15
64:23 78:4	<b>added</b> 99:7,19	217:12	<b>allotted</b> 195:22	<b>analyses</b> 82:14
189:1 191:2,20	133:5,21	<b>affairs</b> 313:2	<b>allow</b> 45:5 46:3	101:2
<b>acceptance</b>	249:17	<b>affect</b> 300:22	47:14 48:1,24	<b>analysis</b> 7:7 8:13
57:21 122:24	<b>addition</b> 37:3	<b>affiliate</b> 232:17	49:13 65:13	63:23 64:3,8
<b>accompanied</b>	67:2 148:20	<b>agencies</b> 147:4	107:8 136:1	67:16 68:12,16
198:4,11	154:22 161:3	149:5,17 150:8	170:21 181:12	69:20 85:5,13
<b>accompany</b>	278:20 279:2	151:10	183:2,16	86:5,17 87:1
86:14	279:10 290:4	<b>agency</b> 149:22	189:21 226:6	88:12,13,16
<b>accuracy</b> 209:3	<b>additional</b>	<b>ago</b> 103:5	227:8 228:14	91:7,8,12,13
239:11 240:9	249:17 320:24	107:20 265:11	260:22 323:12	91:18 99:21
242:11 299:1,6	<b>additionally</b>	<b>agree</b> 21:5,6	327:19 329:18	101:20 102:6
<b>accurate</b> 74:3	198:13	42:23 43:3,4,8	<b>allowable</b> 186:7	103:8 105:7
97:6 138:22	<b>address</b> 187:19	43:18,23 44:4	187:15	107:2 110:9
164:21 198:23	226:12 228:23	44:6 47:8 66:4	<b>allowed</b> 78:21	111:7,21
199:9,13,15	243:8 246:13	101:15 130:1	206:13 282:21	112:14 113:8
200:20 203:23	248:3 289:18	131:3,8 146:13	290:13	114:5 148:23
292:23 336:20	<b>addressed</b>	150:5 157:22	<b>Alternate</b> 8:18	156:22 159:9
<b>accurately</b>	221:21 286:20	166:1,5 225:5	<b>alternative</b>	162:17 258:19
159:19 164:5	292:22	237:21	219:9,16,19	259:2 260:1
209:1	<b>addresses</b> 79:8	<b>agreed</b> 66:23	<b>aluminum</b> 70:11	268:4 270:4,17
<b>accused</b> 187:5	<b>addressing</b>	69:11 134:1	78:18	276:16,21
	221:19 244:16	176:13 186:3	<b>amended</b> 5:14	277:2,10

297:23 300:2	153:13 168:1	<b>applicable</b>	<b>arrangement</b>	229:22 230:20
302:23 311:14	170:21 181:13	102:23 107:9	27:16 28:15	230:22 231:5,7
311:24 313:11	183:2,16	239:8	<b>arsenic</b> 47:9	231:16,20
313:13,17	221:13 222:7	<b>application</b>	50:22 65:2,4,9	233:11,24
314:1 315:3,9	222:11 225:17	147:18 206:16	65:10,18,19	236:17 240:19
317:16,22	225:19 226:6	206:21 283:4	66:5 70:18	243:4 244:17
318:4 321:16	226:18 227:9	290:18,23	78:21 92:10	247:17 248:23
322:15 323:24	228:15 233:1	<b>applications</b>	98:3 177:21	249:6,6,8
324:9	243:24 246:19	272:10	178:1,13 179:6	250:6 252:19
<b>analyst</b> 297:24	247:10 250:13	<b>applied</b> 107:24	179:12 311:17	253:22 254:2
301:24 302:12	258:14 260:23	118:19 297:19	<b>art</b> 197:2	254:15 255:8
<b>analytical</b> 68:14	261:17 268:17	<b>apply</b> 206:11	<b>asbestiform</b>	255:20 258:1
142:8 157:10	269:3 270:21	250:15 282:19	6:15 156:9,21	258:20 259:3
163:21,22	287:7 295:21	335:19	159:8 162:18	260:1,17
294:12 296:11	318:1 323:4	<b>appreciate</b> 18:8	302:10	284:14,16
301:20	327:20 328:23	107:12 204:17	<b>asbestos</b> 6:18	301:19 302:4
<b>analyze</b> 39:9	329:19	<b>appropriate</b>	8:14 13:19	302:16,22
<b>analyzed</b> 38:21	<b>answered</b> 126:9	178:9 291:8,20	43:7,12 44:7	305:6 308:2
38:24 39:4,11	145:12 260:22	303:18 304:5	44:21 45:14,16	309:4 310:4
39:22 49:8	295:19	313:16 336:6	45:20,24,24	311:21
169:3 297:20	<b>answering</b>	<b>appropriately</b>	46:6 50:22	<b>asbestos-free</b>
303:4	107:11	90:1	51:15,21 69:3	166:4
<b>and/or</b> 206:16	<b>answers</b> 295:9	<b>approved</b> 58:2	79:8,16 88:14	<b>ASHCRAFT</b>
283:3 290:18	295:15 338:8	81:13	92:13 136:11	2:8
325:23 335:21	<b>anthrophyllite</b>	<b>approximately</b>	138:2,7 139:1	<b>Asia</b> 8:10
<b>announced</b>	302:18	16:19 25:2,16	139:7,17	<b>aside</b> 30:23 68:2
229:24	<b>anybody</b> 150:12	26:13 27:14,23	141:16 144:18	73:5 134:6
<b>annual</b> 103:16	187:5	28:4 60:13	145:2,15,24	180:16 218:21
203:3	<b>apart</b> 86:7	87:10 125:21	146:15,23	276:1 280:12
<b>answer</b> 11:5	<b>apologize</b>	334:2	147:6,13 149:7	<b>asked</b> 17:14
28:20 44:10,14	155:23 191:14	<b>April</b> 55:14	150:22 151:4	108:15 126:9
45:5 46:3,12	<b>appear</b> 277:9	104:3 194:21	151:12,17,24	137:13 162:11
47:5,15 48:2,5	<b>appearance</b>	198:24 202:22	153:18 155:1,7	171:18,22,23
48:15,24 49:13	92:6 93:2	203:6 288:17	155:9 157:5,7	176:7 189:18
49:24 50:11	311:12 316:18	288:18	158:9,14,16	260:22 263:22
51:1 53:3	<b>APPEARAN...</b>	<b>area</b> 17:13 26:9	159:3,17,23	279:21 295:1
60:17 62:19	2:1 3:1 4:1	39:12 47:18	160:4,13,20	295:18 296:4
65:14 66:3,19	<b>appeared</b> 16:13	49:16 51:10	161:6,18,20	318:2
67:10 89:18	100:21	103:21 153:7	164:16 165:7	<b>asking</b> 21:13
90:20,21 97:15	<b>appearing</b> 16:2	183:19 186:22	165:14 167:10	48:18 52:24
108:18 110:17	<b>appears</b> 59:21	205:14 233:19	167:21 169:2	53:22 106:6,7
112:2 116:4	97:6 178:24	234:20	169:19 170:10	121:6 132:18
122:12,15	215:22 217:5	<b>areas</b> 47:4	171:9,13	137:16 197:12
124:13 135:2	230:7 269:17	170:19 208:5	176:11 220:23	216:3 223:7,10
136:2 137:1	317:16 318:11	<b>argumentive</b>	221:9,20	248:17 262:24
146:8 151:21	321:16	116:5,7,7	222:22 223:5	299:9 303:13
152:7,22 153:4	<b>apples</b> 168:10	<b>arisen</b> 246:14	227:5 228:24	304:1

<b>aspect</b> 139:3	<b>attention</b> 21:12	126:3,11,15	19:13,21 22:14	33:16 38:1
<b>assembled</b>	170:5 186:23	193:16 294:8	36:17,21 37:1	178:21 229:12
215:23	242:19 265:17	<b>auditing</b> 125:9	37:3,8,9,9 43:7	229:16
<b>asserting</b> 137:11	<b>attestation</b> 9:17	128:6 209:10	52:17 58:15	<b>bag</b> 61:18 62:14
<b>assess</b> 296:9,9	312:8,18	<b>auditor</b> 286:22	59:3 76:23	<b>Bank</b> 2:14
<b>assessment</b> 7:18	<b>attorney</b> 336:16	<b>audits</b> 125:7	77:5 84:6	<b>barriers</b> 208:6
211:6 212:2,4	<b>attorney/client</b>	126:1 201:18	85:15 94:19	<b>BARRY</b> 4:2
214:18 217:7	33:2,7	201:22 202:3	97:12 118:20	<b>base</b> 106:16
294:10	<b>audit</b> 7:15 9:9	292:11	120:11 124:6	<b>baseball</b> 87:11
<b>assigned</b> 36:19	9:12,15 89:11	<b>auspices</b> 204:2	128:2,7,10	<b>based</b> 82:24
245:20 296:16	89:16,23 90:5	204:19	147:22,23	164:22 181:22
296:19	93:20 125:14	<b>Austin</b> 3:14	154:9 170:8,11	181:23 183:10
<b>assignment</b>	126:20,22,22	<b>authoritative</b>	170:15 171:10	185:3 208:23
217:15	127:1,2,12,14	141:5	171:24 172:6,7	229:21 235:3
<b>assisted</b> 247:24	127:22 128:12	<b>authority</b>	172:8 175:16	246:17 271:22
<b>associated</b> 133:8	128:23 129:3	283:11 291:2	180:12 188:20	273:15 286:10
136:4 297:12	193:9 198:5	<b>authorized</b>	192:16 193:21	286:17 287:24
<b>Association</b>	202:5,21 203:5	93:22	195:3,16	289:20 313:12
137:21	203:7,13,15,18	<b>available</b> 108:22	204:14,15	<b>basic</b> 135:17
<b>assuming</b> 33:12	203:24 204:20	250:21 284:1	221:9 224:11	<b>basis</b> 36:23
81:21 109:9	205:3,4,16	286:23 304:7	225:24,24	60:14,24 63:12
110:5 172:6	206:5,8 207:3	<b>Avenue</b> 2:13	230:21 232:20	70:20 87:3
174:7 182:12	207:5,12	3:14,18 4:3	233:4,5 234:20	91:20 98:23
230:9	208:23 209:7	<b>average</b> 25:12	236:16 237:16	103:16 195:23
<b>assurance</b> 13:11	209:22 210:12	61:18	241:2 243:19	196:8 202:1
19:11,20 20:9	210:14,17	<b>await</b> 217:24	245:5 253:4,24	203:4 220:17
20:14 36:10	280:17,22	<b>awaiting</b> 133:6	255:21 270:12	224:3 241:20
41:8 44:16	281:5,6,13,17	<b>aware</b> 37:6,11	270:18 277:12	250:22 273:6
46:19,22 72:17	282:8,11 284:2	46:5 47:20	280:8 312:14	279:20 308:22
86:19 96:23	285:4,14,18,21	48:17 72:8	312:19 314:11	<b>batch</b> 207:23
124:23 127:16	285:22,24	77:7 89:7	322:16,18,22	208:9 230:18
127:20 154:7	286:3,10,18	129:3 183:5,12	324:1,22 325:5	230:20 256:15
172:15 179:21	287:10,15,19	185:8 192:7,10	325:22 327:10	<b>batches</b> 234:14
182:12 186:19	287:24 288:21	201:18 218:13	<b>back</b> 23:16	235:24
193:8 194:20	289:4,5,21	218:19 248:16	63:20 73:16	<b>Bates</b> 118:15
204:2 211:11	290:5 291:24	260:2,10	99:2 100:21	131:14,22
216:11 221:23	292:6 293:10	262:16 266:3	101:12 110:7	132:6 142:2,3
281:21,22	293:14,24	268:12 275:9	117:2,12	142:15,16
282:3 288:23	294:1,5,7,17	306:17 328:15	155:22 168:20	143:2,3,8
307:12 324:20	295:2 296:5,8	331:12	187:14 207:4	191:24 213:15
327:23	296:14,17,18		209:19 213:22	213:18,24
<b>ASTM</b> 8:13	297:1 299:22	<b>B</b>	214:13 217:13	262:5
<b>atomic</b> 69:21	300:17 303:20	<b>B</b> 5:10 6:2 7:2	235:8 249:17	<b>BEASLEY</b> 2:2
70:3	304:21,22,23	8:2 9:2 10:2	262:19 265:8	<b>began</b> 35:4
<b>attached</b> 289:4	305:23 306:3	<b>babies</b> 170:14	273:4 278:10	228:22
336:12 338:11	306:24	<b>baby</b> 10:12	280:1 304:17	<b>beginning</b> 1:17
<b>attempt</b> 258:14	<b>audited</b> 125:19	18:19 19:1,7	<b>background</b>	30:8 32:11

37:19 51:24 71:3 193:21 267:23 <b>behalf</b> 27:9 44:17 75:5 95:22 203:16 223:1,10 225:2 226:13 260:13 262:13 312:11 <b>Beijing</b> 229:19 <b>belief</b> 318:21 <b>believe</b> 17:8 26:21 56:8 57:1 88:12 96:7 104:7,14 112:21 122:18 173:7 184:3 193:6 199:11 199:12,17 261:5 292:19 305:10 328:1 332:24 <b>believed</b> 243:15 <b>bell</b> 75:15 <b>best</b> 18:3 25:21 50:2 74:2 84:16 <b>better</b> 233:1 <b>beyond</b> 108:6 243:5 <b>bias</b> 14:20 <b>Biddle</b> 1:16 3:8 <b>bind</b> 15:8 21:13 <b>binder</b> 6:13 107:7,15,17,22 <b>Biologicals</b> 320:12,17 <b>bit</b> 242:24 260:4 321:5 328:12 <b>blend/fill</b> 200:14 <b>board</b> 17:20 <b>body</b> 6:19 9:18 141:16 174:8 312:9,20,22 <b>boots</b> 194:8 <b>boss</b> 327:22 <b>bottles</b> 92:19	226:1 242:15 253:24 <b>bottling</b> 61:8 128:9 <b>bottom</b> 69:18 93:20 99:11 111:6 118:15 132:4,7 142:3 234:3 244:21 <b>box</b> 2:18 99:16 234:2,3 <b>Brazil</b> 244:5 324:12 <b>break</b> 73:9,14 73:19 117:1,7 117:15 168:13 168:18,23 264:15,17,23 265:6 303:16 304:15 <b>breakoff</b> 204:11 <b>brief</b> 32:15 <b>briefly</b> 107:16 <b>bring</b> 21:12 23:7 23:10 277:24 <b>broad</b> 53:11 196:10 <b>broad-based</b> 282:3 <b>broaden</b> 35:16 <b>broader</b> 23:17 <b>brought</b> 321:23 <b>Brower</b> 13:24 <b>Brown</b> 4:8 12:4 <b>BS</b> 38:6 <b>Building</b> 256:6 <b>bulk</b> 59:22 208:1 302:23 311:13 316:19 <b>Bureau</b> 179:13 256:6 <b>burning</b> 116:12 <b>business</b> 41:20 55:4 97:3 128:8 180:12 180:12 195:4 198:10 281:11	312:13 324:22 328:4 <b>businesses</b> 332:10 <b>Butler</b> 289:6 <b>buys</b> 233:3 <hr/> <b>C</b> <hr/> <b>C</b> 9:20,22 10:6,8 67:18 85:4 88:3,11 112:9 112:22 269:8 279:17 315:6 <b>cabinet</b> 130:17 <b>cabinets</b> 130:11 <b>cadmium</b> 70:12 180:7 <b>calcium</b> 70:12 <b>calculate</b> 157:14 159:15 <b>calculation</b> 158:11 164:9 165:21 166:14 <b>calendar</b> 25:7 <b>call</b> 36:4 42:15 116:16 292:5 303:16 304:8 309:23 <b>called</b> 21:8 39:5 40:24 41:19 88:7 121:4 146:19 155:2 186:8 200:1 211:5 233:11 244:9 292:15 <b>calling</b> 246:10 <b>calls</b> 299:13 <b>Campus</b> 3:9 <b>cancel</b> 278:17 <b>cancer</b> 44:7,21 45:17 46:10 47:12,22 48:21 49:3,11,22 50:21 152:5,14 152:18,24 153:2 183:7,14 184:6 325:4,24	327:8 328:7,19 329:15 <b>capabilities</b> 294:11 296:10 <b>capability</b> 148:6 <b>capable</b> 44:21 148:21 266:4 268:6 269:19 269:22 272:20 <b>capacity</b> 44:11 45:6 46:4,13 47:16 48:2,18 49:1,14 50:1 50:12 51:2 61:11 62:20 65:15 66:3,20 67:11 72:9,12 93:14 96:22 151:22 152:8 152:16 153:5 153:14,15 154:1 170:22 181:14 183:3 183:17 219:5 220:15 221:14 221:19,22 222:8 324:24 <b>captured</b> 123:18 130:2 <b>car</b> 61:14,18 62:2,16,17 63:9 68:22 86:14 301:13 301:13 315:24 <b>carcinogen</b> 181:6 <b>carcinogenic</b> 182:21 <b>carcinogenicity</b> 183:7 <b>care</b> 128:6 180:12 248:1 253:1 <b>career</b> 16:15 35:4 <b>careful</b> 163:20 272:24	<b>carefully</b> 336:4 <b>Caribbean</b> 312:14 324:23 <b>cars</b> 61:6,10,24 63:10,17 <b>case</b> 14:1 17:2,3 17:4,5,7 20:16 24:10 28:6,10 28:11 29:19 30:9 32:14 33:13 34:7 35:22 36:2 64:6 111:13 124:1 166:6 176:11 184:2 223:23 243:9 243:16 293:6 294:22 305:10 329:21 331:16 <b>cases</b> 1:8 14:6 34:10 208:11 <b>cause</b> 44:7 45:20 46:6 47:12,22 48:21 49:3,10 49:22 123:2 152:5,11 160:24 183:13 184:5 305:21 329:23,24 <b>causes</b> 45:17 47:12 152:4 <b>causing</b> 44:21 50:21 <b>caution</b> 23:24 32:19 <b>cellulose</b> 302:19 <b>center</b> 2:18 42:15 <b>certain</b> 64:22 197:4 222:4 283:19 <b>certainly</b> 28:24 51:13,19 65:17 82:8 98:24 116:6 137:23 147:2,15 151:24 170:8
---	--	---	--	--

170:24 182:18	<b>chair</b> 245:6,16	220:6,23	<b>chronic</b> 173:22	248:15 251:9
186:22 188:2	245:18 246:3	222:22 223:22	174:5,17,19	<b>close</b> 58:7
209:12 210:12	<b>chance</b> 75:4	224:10 225:21	<b>chrysotile</b> 301:9	<b>closed</b> 297:11
222:20 227:19	<b>change</b> 55:14	226:21 232:7	301:19 302:17	<b>closer</b> 215:20
235:6 240:15	56:10 57:5,6	232:16 233:11	303:6 305:14	<b>CoA</b> 9:7 279:7
251:22 263:19	74:9 98:12,21	233:19 234:1	306:23	<b>coach</b> 110:15
271:14 272:5	101:3 102:17	243:11 244:20	<b>circuit</b> 324:18	136:21 187:6
291:13 300:3	185:9 186:4	246:15,22	<b>circumstances</b>	<b>coaching</b> 137:9
311:21 322:2	191:5 277:21	247:4,15 249:5	45:21	187:5
322:20	277:22 285:20	251:1,16	<b>citing</b> 147:10	<b>cobalt</b> 70:16
<b>certificate</b> 63:23	285:24 286:3	257:20 270:12	<b>City</b> 84:19	<b>codes</b> 320:21
64:3,7 67:16	326:24 337:4	278:3 316:24	<b>claim</b> 226:24	<b>COHEN</b> 2:12
68:11,15 69:20	<b>changed</b> 56:4,5	321:9	228:18	<b>collaboration</b>
85:5,12 86:5	57:1,3 96:7	<b>China's</b> 250:6	<b>claiming</b> 327:9	80:19
91:12 99:21	99:4 189:7,12	<b>Chinese</b> 57:24	<b>claims</b> 151:9	<b>colleague</b>
101:2,20 102:6	190:4,10 191:1	82:6,14 83:15	<b>clarification</b>	115:21 187:1
103:8 105:7	191:19 192:6	185:14 188:7	60:2	<b>colleagues</b> 59:13
107:2 110:9	328:16 330:4	194:1 195:10	<b>clarify</b> 22:8 72:9	<b>collection</b>
111:7,21 112:4	<b>changes</b> 202:12	201:19 221:6	108:3 134:21	134:23
112:13 113:8	336:11 338:10	221:21 223:3	139:2 177:4	<b>College</b> 1:16
114:5 268:3	<b>characterizati...</b>	225:22 228:19	226:21 233:13	<b>colloquy</b> 295:14
276:21 277:1	27:3 30:5	232:17 239:19	<b>clarifying</b>	<b>Color</b> 64:19
278:6 313:13	<b>charge</b> 128:16	239:19 244:17	133:22	<b>column</b> 83:7
313:16 314:1	<b>chart</b> 83:4 87:5	247:6,20,21	<b>classification</b>	85:4 99:11
315:2,8 317:15	235:19	248:5 249:15	282:6,13	199:2 320:18
317:21 318:4	<b>check</b> 319:1	252:3,8 253:1	<b>classified</b> 286:15	<b>come</b> 57:11
321:15 322:15	<b>CHEM</b> 302:3	265:17 266:3	<b>classify</b> 289:21	117:2 169:8,9
323:23 335:2	<b>chemical</b> 88:13	268:1 321:17	<b>cleanliness</b>	170:4,8 201:22
<b>certificates</b>	88:15 121:4	321:21 322:3	297:3 298:4	241:1 249:16
82:13 86:17,24	148:23	322:23 323:6	<b>clear</b> 17:24	265:16 269:8
91:6,7,13,17	<b>chemist</b> 157:10	323:11,20	18:14 37:1	304:9
270:3,17	<b>chemistry</b> 38:6	<b>chose</b> 108:8	52:23 55:1,13	<b>coming</b> 68:22
276:16 277:10	<b>Chen</b> 275:1	134:24	76:21 83:4	120:3 189:10
313:11 324:8	<b>CHEONG</b> 4:3	<b>CHRISTOPH...</b>	84:24 106:7	198:2 217:20
324:13	<b>China</b> 7:20 8:10	2:13	113:22 116:19	325:16 330:17
<b>certification</b>	57:18 58:12	<b>chromium</b>	122:18 167:17	<b>comment</b>
335:18	60:14 72:19	48:20 49:9,9	187:11 192:9	178:17 212:18
<b>certified</b> 1:18,19	81:23 82:3,18	50:23 70:16	196:15 210:1	235:18 237:7
322:5 323:7	82:22 83:15	79:1 92:22	224:14 233:15	243:1 274:8
335:13,14	184:20 188:19	98:3 180:17	235:8 237:24	278:8 296:1
<b>certify</b> 335:5	192:18,24	181:1,5 182:7	251:8 255:18	<b>commented</b>
338:5	193:15,17	182:20 183:13	258:17 269:22	278:10
<b>certifying</b>	194:18 198:12	184:5,11,16,19	269:24 275:17	<b>commenting</b>
335:22	198:14 199:20	184:22 185:12	280:1 296:3,7	295:8
<b>cetera</b> 150:9	199:23 208:2	185:16 188:6	307:6 324:7	<b>comments</b> 115:7
249:18 302:20	209:2 219:10	188:24 190:10	<b>clearly</b> 111:14	116:8 279:24
<b>chain</b> 8:19 237:5	219:13,21	191:1	135:16 223:16	286:18 299:19

<b>Commerce</b> 2:4	<b>compendia</b>	<b>component</b>	261:10 262:8	<b>consortium</b>
<b>commission</b>	149:4	77:17	262:10 265:14	257:18
338:21	<b>compensation</b>	<b>components</b>	<b>conferences</b>	<b>constitutes</b>
<b>commissioned</b>	27:12,16 30:11	98:22 206:18	260:9	156:23 159:9
204:20	<b>compilation</b>	283:6 290:20	<b>confined</b> 263:17	<b>consulting</b> 40:24
<b>commitment</b>	324:12	<b>composes</b> 197:5	<b>confirm</b> 99:3	41:3,6,10 42:2
283:10	<b>compiled</b> 173:9	<b>composite</b> 67:20	101:19 102:12	42:4 198:8
<b>committed</b>	<b>complaint</b>	69:21 98:18	105:6,12,15	<b>consumer</b> 5:18
43:19	325:14 327:5,7	111:11 316:3	113:7 114:4	15:6 16:7 21:4
<b>committee</b> 2:21	327:13 328:7	317:10,13	235:2	21:15 31:11
14:11 176:5,19	330:16 331:15	319:19,23	<b>confirmation</b>	36:10 42:15,18
245:7,12,18	331:17	320:12	102:5 103:7	44:19 172:19
<b>common</b> 263:5	<b>complaints</b>	<b>composition</b>	107:1 112:12	177:6,7 203:17
<b>commonly</b>	325:2,8,21	14:19 18:18	114:1	203:21 244:13
139:24 301:15	328:10,13	<b>compound</b>	<b>confirmed</b> 99:20	281:6 325:2,10
<b>communicate</b>	329:9,12	45:16 47:11	308:13 309:8	327:24 333:10
33:6 247:20	<b>complete</b> 42:21	<b>compounds</b>	<b>confused</b> 289:14	<b>Consumers</b>
248:2	120:15 122:1	182:19 183:6	<b>confusion</b> 17:14	230:10,16
<b>communicated</b>	122:19 129:9	<b>computerized</b>	21:9 328:12	<b>Cont'd</b> 3:1 4:1
51:5 256:11	283:3 315:21	205:6	<b>Congress</b> 3:14	6:2 7:2 8:2 9:2
308:21	<b>completed</b> 42:6	<b>concern</b> 65:9,17	<b>conjunction</b>	10:2
<b>communication</b>	119:13 133:11	184:15 220:22	217:6	<b>contact</b> 325:11
171:2 229:19	297:10,15	236:14 299:1,6	<b>connected</b>	<b>contacted</b>
248:14	303:2	300:4	111:15,16	225:22
<b>communicatio...</b>	<b>completely</b>	<b>concerning</b>	<b>connects</b> 113:1	<b>contain</b> 69:2
35:16,19,19	116:23 323:20	263:11	279:1	113:13,24
308:20 328:2,3	<b>completer</b>	<b>conclusion</b>	<b>consequence</b>	114:4 118:4
<b>companies</b> 5:19	215:20	286:19	300:9	154:10 229:22
15:7,8 41:11	<b>completing</b>	<b>concrete</b> 208:6	<b>consider</b> 59:10	<b>contained</b>
41:17 44:2	270:3	<b>conditions</b>	163:24	135:18 173:10
57:5 81:11	<b>completion</b>	206:11 282:19	<b>considerable</b>	240:24 266:5
203:17,21	335:8	<b>conduct</b> 40:10	329:4	312:21 317:23
220:9 229:20	<b>compliance</b> 41:3	71:5,17 72:3	<b>consideration</b>	<b>containers</b>
229:21 244:24	81:9 85:9	127:21 173:15	251:12	302:2
253:15 257:19	141:21 284:6	289:22	<b>considered</b> 58:2	<b>Containing</b>
272:9 273:5,7	312:14 324:22	<b>conducted</b> 90:18	150:21 219:4	259:3
<b>company</b> 37:7	<b>compliant</b>	201:19 202:3	288:2,7 289:9	<b>contains</b> 113:17
41:5,19 42:9	265:18 268:5	271:4 282:9,9	289:15	<b>contaminants</b>
42:13 61:8	268:13 269:18	289:5 293:10	<b>consistency</b>	46:24
82:6,15,22	273:16 275:18	294:10	185:21	<b>content</b> 92:7
83:16 171:3	298:7 299:12	<b>conducting</b> 40:8	<b>consistent</b>	177:22
201:20 203:8	<b>complied</b> 271:24	270:2,15	184:22	<b>context</b> 68:8
220:16 223:2	<b>comply</b> 277:14	<b>conducts</b> 297:24	<b>consistently</b>	83:12 150:16
232:15 233:16	279:3,11 311:2	<b>conference</b> 8:15	185:15 189:13	175:13,13
265:17 266:3	<b>complying</b>	258:9,18	<b>consolidate</b>	220:2,3 260:8
268:1 279:19	266:4 269:23	259:22 260:6	219:6 220:11	260:24 261:18
321:15	272:20	260:14,15	220:13	262:19 268:18

272:22,23 277:18 287:4 299:17 303:21 303:23,24 <b>continuation</b> 328:18 <b>continue</b> 24:7 174:20 206:13 282:21 290:13 <b>continued</b> 94:20 249:13 292:19 292:20 304:24 <b>continuing</b> 328:20 <b>contract</b> 9:8 27:15 42:5 <b>contracted</b> 198:7 <b>Contractor</b> 9:15 <b>contracts</b> 29:1 <b>contributed</b> 96:23 <b>control</b> 41:7 124:19 173:23 285:2 335:21 <b>controlled</b> 52:3 <b>controlling</b> 52:15 53:1,8 54:1 56:18 69:4 76:22 95:8,13 97:11 106:3 118:4 178:9 <b>controls</b> 155:9 <b>conversation</b> 32:15 36:3,5 40:18 249:11 <b>conversations</b> 32:2 35:15 184:12 <b>converted</b> 273:4 <b>conveyed</b> 86:6 <b>cooperate</b> 295:12 <b>coordinator</b> 245:12 <b>copied</b> 82:17	91:18 325:21 <b>copies</b> 23:8 86:24 90:9 124:4,15 274:19 325:1 <b>copper</b> 70:16 <b>copy</b> 23:5 30:20 31:1 97:6 109:9,17 130:9 156:5 213:24 214:13 293:23 323:16,18,19 326:19 <b>cordial</b> 116:22 <b>Core</b> 244:10 <b>corner</b> 93:17 <b>corporate</b> 48:19 <b>corporation</b> 21:21 <b>correct</b> 15:9 16:14 18:20,21 19:2,3,9,15,22 35:3,6,9 37:4 38:12,14,16,19 38:23 39:3,7,9 39:10,14,16,24 40:3,10,11 41:1,3 43:14 54:22,23 58:6 60:24 61:8,9 62:13 64:11,16 65:11,24 66:9 66:10,17,22 67:8 69:9 70:13 73:2 74:15 75:18 76:19 77:1,18 77:21 78:1,13 78:14,19,23 79:2,8,12,21 81:8,23,24 82:19 84:6,7 84:10,11 85:6 85:19,24 86:3 86:7 87:18 89:20 90:1 91:16 92:12,15	92:20,24 94:6 94:10 96:8 98:4 102:3 104:11 106:15 110:2,3,10 118:1,22 119:14 120:15 120:19 121:14 121:21,22 127:3 128:12 132:15,16 133:19 134:1 138:3 140:5 142:8,9 143:21 143:22 144:10 147:7 148:4,16 148:17 154:16 155:2 160:22 163:17 165:7 166:14,21 169:23 172:9 174:21 176:6,7 181:3,4,7 182:8,9 187:4 187:12,16,17 191:22 193:22 193:23 194:6 195:17 200:15 204:3,22 207:7 207:18 209:3 219:17 220:24 221:3 229:1 230:11 231:12 232:2 240:20 240:20 246:21 258:7 268:1 272:22 281:7,8 284:8,18 285:22 292:4 298:17,20,21 299:2 300:6 301:4 305:6 311:3,4 321:12 338:7 <b>corrected</b> 287:21 292:24 <b>corrections</b>	336:5,7 338:10 <b>corrective</b> 209:20 285:7 292:21 301:16 <b>correctly</b> 78:6 107:11 112:21 141:18 149:1 157:1 173:18 174:1,9 175:6 203:22 208:18 230:23 231:3 232:10 236:3 236:11,12 268:9 271:13 290:2 291:4,7 291:19,23 298:12 304:1 <b>correlate</b> 318:5 <b>correlation</b> 112:22 <b>cosmetic</b> 6:16 8:13 41:12,14 41:18,22,24 137:20 257:18 <b>COUGHLIN</b> 3:17 <b>Council</b> 248:1 253:1 <b>counsel</b> 12:17 13:8,24 23:4 24:17 25:14,24 26:4,12 27:17 34:1,16 40:17 75:22 108:8 109:9 110:6,15 110:16 115:11 118:1 119:1 134:9,24 153:12 268:19 323:17 <b>count</b> 302:15,22 <b>counted</b> 155:10 <b>counterfeit</b> 237:8 <b>country</b> 94:23 324:4 <b>County</b> 58:12	<b>couple</b> 14:9 31:7 177:9 202:13 <b>coupling</b> 179:14 <b>course</b> 33:15 37:5 55:3 64:19 73:10 97:3 201:4 209:8,18 240:10 252:16 281:11 295:12 307:23 309:10 319:22 <b>court</b> 1:1 12:13 12:19 264:3 336:20 <b>courteous</b> 116:21 <b>covered</b> 20:17 56:22 120:19 280:4 310:16 <b>covers</b> 115:23 <b>cplacitella@c...</b> 2:15 <b>crafted</b> 115:22 <b>Craig</b> 302:11 <b>creams</b> 42:1 <b>created</b> 97:2 261:22 278:7 <b>creation</b> 96:24 <b>critical</b> 282:14 282:18 283:18 283:23 285:10 285:12 286:3 286:11,20 287:9,14 290:1 290:4 292:1 300:12,20 <b>crocidolite</b> 302:17 <b>cross</b> 145:11 <b>cross-examine</b> 263:20 <b>CSX</b> 62:1 <b>CTFA</b> 79:11,14 137:20 138:1,5 138:19,24 139:6,15,18
--	--	---	--	--

140:3 154:22 248:15 250:9 251:2,8,11,16 252:9 <b>cubic</b> 61:20 62:3 62:14,15 <b>current</b> 79:14 198:19 199:1,2 284:13 <b>currently</b> 58:1 96:3 275:12 <b>curriculum</b> 5:17 23:5 31:2,5 <b>Curtis</b> 80:14 <b>custody</b> 237:5 <b>customer</b> 197:8 197:9,24 331:14,16 <b>customers</b> 271:18 <b>cut</b> 41:4 278:5 <b>CV</b> 31:8	255:2 267:9 275:1 288:17 294:1 312:9 317:17 335:15 <b>dates</b> 125:17,24 256:2 <b>day</b> 25:15 43:6 53:17 228:11 228:17 267:22 285:3 302:14 338:20 <b>days</b> 24:20 25:4 26:6,9,10 28:4 53:17 59:15 255:6,19 256:24 336:16 <b>de</b> 166:7 <b>deal</b> 227:16 <b>dealing</b> 59:12 <b>dealt</b> 59:19 <b>death</b> 329:23 <b>decades</b> 216:15 <b>December</b> 190:22 312:10 <b>decide</b> 170:6 <b>decision</b> 171:15 278:17 <b>decisionmakers</b> 171:3 <b>deck</b> 194:18 <b>decontaminate</b> 200:9 <b>dedicated</b> 200:12 <b>deemed</b> 336:19 <b>Defendant</b> 3:20 4:5 <b>defendants</b> 3:11 13:14 <b>defense</b> 26:4 <b>defer</b> 62:6 153:8 161:4 195:12 <b>deficiencies</b> 287:15 <b>defies</b> 206:3 <b>defined</b> 52:11 67:3 179:13,15	181:20 206:9 243:6 282:18 <b>defines</b> 69:5 155:5 206:3 <b>definition</b> 13:18 157:8 165:6 197:7 300:20 301:2 <b>definitions</b> 13:15 <b>degree</b> 14:16 38:9 85:20 130:22 160:15 273:12 <b>delineating</b> 137:9 <b>delivered</b> 63:18 208:5 <b>denotes</b> 197:2 <b>density</b> 59:22 64:17 92:6 311:13 316:20 <b>deny</b> 105:12 235:2 <b>department</b> 127:17,20 307:12,13 326:5 <b>dependent</b> 148:9 <b>depending</b> 93:14 126:19 148:22 <b>depends</b> 33:14 114:22 127:23 148:5 <b>depleted</b> 208:12 <b>deponent</b> 12:15 338:2 <b>deposed</b> 16:23 17:15,22 <b>deposing</b> 336:16 <b>deposition</b> 1:15 5:14,16 11:2 12:9 14:5,12 14:23 15:1 16:2,5,22	17:10,16 23:9 23:14,18 24:11 25:1 26:14 29:20 31:24 34:17 53:18 135:7 201:10 283:15 291:12 334:1 335:6,8 335:9 336:3,13 336:17,19 <b>depositions</b> 13:20 14:3,22 16:14,20 <b>deposits</b> 58:1 <b>deps@golkow...</b> 1:23 <b>describe</b> 174:5 <b>described</b> 128:11 174:16 <b>describes</b> 198:19 <b>describing</b> 162:4 <b>description</b> 5:13 6:5 7:5 8:5 9:5 10:5 199:4,15 199:15 <b>descriptions</b> 199:9 <b>designate</b> 20:20 <b>designated</b> 45:2 170:19 181:6 181:11 183:1 208:5 222:4,17 <b>designating</b> 223:24 <b>designation</b> 222:9 329:20 <b>designed</b> 317:23 <b>desire</b> 185:9 219:6 <b>desk</b> 201:22 <b>despite</b> 164:15 285:12 <b>detail</b> 69:17 294:5 <b>detailed</b> 199:8	<b>details</b> 48:13 <b>detect</b> 148:3 164:1,3,7 <b>detectable</b> 160:23 <b>detected</b> 148:24 158:24 159:1,3 159:17 163:4,5 166:10 254:15 302:10 309:7,9 <b>detection</b> 7:7 140:13,22 142:8 143:23 144:3,7,8,11 145:16 147:7 148:8,20,22 149:8 150:22 156:17,21,24 158:18 159:7 160:3,6 162:9 162:12 163:2,6 163:14 164:15 173:14 175:5 248:23 <b>detects</b> 144:13 <b>determination</b> 50:20 70:5 286:13 <b>determine</b> 95:24 139:16 160:9 173:16 244:21 <b>determined</b> 47:11,21 48:21 49:10 183:13 184:5 308:14 <b>determining</b> 182:20 <b>develop</b> 174:6 <b>developing</b> 80:17 <b>development</b> 8:12 10:8 72:14 80:5,8 249:22 259:24 321:15 <b>diagnosed</b> 325:23
<b>D</b> <b>D</b> 5:2 <b>d/b/a</b> 203:16 <b>danger</b> 51:15 65:10,23 66:9 66:15 67:8 <b>dangerous</b> 45:16 46:24 <b>dangers</b> 50:8 <b>DANIEL</b> 2:17 <b>Darnell</b> 4:8 12:4 <b>data</b> 94:7 142:11 273:12,15 302:15 303:2 316:2 317:3 <b>date</b> 1:17 12:7 17:12 37:21,22 55:12 94:5 122:2 256:10 301:22,24 336:9 338:16 <b>dated</b> 141:17 194:20 202:22 203:6 228:10				

<b>dial-in</b> 310:10	324:19,21	<b>division</b> 36:11	239:11,17	115:15 128:5
<b>dialogue</b> 308:10	<b>disagree</b> 62:8	127:20	240:7 250:20	146:20 249:8
308:19	115:20 116:10	<b>dlapinski@wi...</b>	254:22 259:10	253:20 259:6,6
<b>dictate</b> 82:20	116:10 160:7	2:20	259:16 262:3,4	336:8
116:3	223:18 225:5	<b>DLH</b> 41:1,2	263:1 266:9,17	<b>Don</b> 275:5
<b>dictated</b> 69:8	304:6	<b>doc</b> 23:12	273:24 276:2	<b>Donald</b> 1:15 5:4
78:16 82:23	<b>disagreeing</b>	<b>doctor</b> 38:11	280:23 281:9	5:17 12:15,23
139:6	62:10	45:4 46:2	285:2 288:11	335:8 338:16
<b>died</b> 325:3	<b>discipline</b> 40:4,6	<b>doctors</b> 49:18	291:15,16,17	<b>Dr</b> 32:6,9,13
329:14	<b>disclose</b> 24:1	<b>document</b> 1:8	293:18 298:14	33:24 36:1
<b>difference</b>	32:20 137:6	15:14,17 23:3	301:18 303:11	40:19
251:15	<b>discovered</b>	30:14 49:22	312:3,7,11,16	<b>draft</b> 215:12,22
<b>different</b> 73:24	14:18 238:11	52:20 53:14	313:4,18	216:6 279:17
113:18 127:9	<b>discrepancy</b>	54:9,10,16,18	314:18 315:19	297:15
129:13 131:20	275:10	55:1,2 59:21	316:6 318:10	<b>drafted</b> 211:10
168:9 184:11	<b>discuss</b> 19:5	61:19 63:21	318:17,23	<b>drafting</b> 80:2,24
208:8 213:24	32:17 50:7,20	64:8 70:24	322:6,10 323:5	<b>Drew</b> 198:11
251:23 259:6,7	51:15 171:12	73:8 74:6,8,20	323:8,18	308:16
272:8,9 273:5	259:23	75:20 76:1,8	326:12	<b>drill</b> 17:23
317:20	<b>discussed</b> 27:13	76:15 80:22	<b>documentation</b>	<b>Drinker</b> 1:16
<b>differently</b>	33:4,10,12	88:21 93:17	34:20,24 306:5	3:8
43:11 128:21	40:17 53:20	96:9,24 103:13	306:18	<b>Drive</b> 2:18 3:9
<b>difficult</b> 173:1	109:18 175:22	106:20 109:4	<b>documented</b>	<b>driven</b> 219:4
178:17 195:9	242:5 258:20	110:13,22	152:10 206:20	<b>Drug</b> 313:5
305:9 320:17	<b>discusses</b> 59:22	111:3 114:11	290:22 305:20	<b>due</b> 171:1
<b>difficulty</b> 279:6	<b>discussing</b>	114:12,22	305:22	<b>DUFFY</b> 3:17
<b>diffraction</b>	150:17 260:16	115:1,2 119:2	<b>documenting</b>	<b>duly</b> 12:24 335:5
38:22 39:13	304:20	122:8 124:19	27:16	<b>duties</b> 124:22
139:20	<b>discussion</b> 24:11	131:20 132:5	<b>documents</b> 11:8	<b>DWYER</b> 3:3
<b>direct</b> 112:22	25:17 46:16	135:3,24	21:20 23:8,13	
271:18 273:6	134:8 151:4	138:13,17,20	23:22 24:9	<b>E</b>
335:21	171:16 176:12	141:10 147:16	35:11 50:5,19	<b>E</b> 5:2,10 6:2 7:2
<b>directed</b> 91:14	186:1 192:19	150:11 155:24	51:7,14 52:11	8:2 9:2 10:2
191:6	195:3 196:19	161:22 166:8	56:12 99:3	117:9,9 337:1
<b>directing</b> 129:18	240:16 241:10	166:16 177:14	100:22 104:16	<b>e-mail</b> 8:6,17,20
308:24 310:3	245:1 267:6	178:10,18,22	107:10,21	9:6,11 10:10
<b>Direction</b> 11:5	272:22 275:22	180:2,8,10	108:4,7,11	35:18,24
<b>directly</b> 37:12	295:6	194:10 195:6	134:9,11,15,17	245:23 267:9
86:12 93:11	<b>discussions</b> 24:2	202:15,21,23	134:23 135:6	267:23 269:17
111:16 269:7,8	31:13 32:22	203:1,14 211:5	135:11,11,14	274:24 276:8
278:1 318:5	33:1 51:20	211:19 212:17	135:18 136:4,8	276:16 288:16
325:19,20	252:22 254:4	213:23 214:6	137:17 185:5	309:23 327:12
326:5	<b>dispersion</b>	215:5,12,21	203:3 216:2	<b>earlier</b> 98:16
<b>director</b> 36:9	139:23	217:5,18 218:7	263:18,21	109:18 161:2
46:21 96:22	<b>District</b> 1:1,2	228:1,6 233:21	279:8 283:24	192:13,15
127:21 172:13	12:12,13	235:14 237:11	284:24 313:10	266:12 295:6
204:6 312:12	<b>divided</b> 198:18	238:15,24	<b>doing</b> 82:11	311:8

<b>early</b> 178:19 215:22	133:17 134:20 135:22 136:14	238:6 239:2,13 240:11 241:6	38:1 <b>eechtman@or...</b>	79:19 89:8 94:4
<b>easier</b> 318:7	136:22,24	241:18 242:1	3:5	<b>employee</b> 31:17
<b>East</b> 1:16	137:3 140:23	242:21 243:21	<b>effect</b> 54:4 55:7	35:2,20 50:6,7
<b>EASTERN</b> 1:2	144:19 145:3,8	245:8 246:4,16	55:12,24 56:9	153:11,19
<b>easy</b> 314:13	145:17 146:2	247:8 248:6,24	74:1,7 83:13	193:16 194:3
<b>Echtman</b> 3:3	146:10,16	249:24 250:11	93:19 95:18	<b>employees</b> 34:5
20:11 23:23	147:8 149:9,13	251:5,18	96:3 104:7	34:13,14 161:4
24:13 27:2	151:6,20 152:6	252:12 253:5	105:19,21	172:23,23
28:18 29:15	152:15,19	253:11 254:8	109:22 118:6	176:22 177:1
30:4 31:19	153:3,21 154:3	255:9,14,22	119:19 179:20	201:14,15
32:18 33:5	154:13 155:12	256:18 257:5	179:23 180:19	247:4 249:21
44:8,23 45:18	156:10 157:24	257:14 258:2	266:9 313:14	259:23 276:11
46:11 47:13,23	158:19 159:12	258:10 259:4	<b>effective</b> 76:18	299:23
48:10,22 49:12	163:15,18	260:18 261:13	104:2 105:1	<b>employment</b>
49:23 50:10,24	164:18 165:8	264:14 265:20	297:14	161:13
51:17 52:5,18	166:22 167:13	266:7 267:1	<b>efficacy</b> 282:24	<b>EMQA</b> 7:13
53:4,10 60:1,8	167:23 170:17	268:15 270:6	290:15	194:22
60:10,16 61:1	174:10,22	270:20 272:3	<b>effort</b> 219:16	<b>engaged</b> 72:3
62:4,18 63:4	178:14 181:8	273:18 274:6	242:19	193:19 244:24
63:13 65:12	182:23 183:15	274:18 275:20	<b>eight</b> 26:9 194:2	247:23
66:1,11,18	184:7,24	277:15 279:14	<b>eight-hour</b>	<b>engineering</b>
67:9 68:18	185:19 186:9	280:19 283:20	238:10	237:1
70:21 71:6,19	187:3,22	284:9,19	<b>either</b> 27:17,24	<b>English</b> 323:20
72:5,22 73:6	188:10 189:16	285:15 286:6	31:10 79:14	<b>ensure</b> 44:2
74:4,18 75:16	190:12 191:8	287:17 288:5	91:24 115:10	46:22 65:5
77:22 86:1,8	191:11 194:4	289:11 291:5	185:23 213:10	89:12,23
88:22 90:2	196:9 205:9	292:7,17 293:4	271:17 292:22	138:21 154:8
92:3 93:7	206:23 207:10	294:18 295:4	315:23	203:20 297:21
94:11 95:2	207:19 208:19	298:9 299:3,15	<b>electron</b> 39:13	<b>ensuring</b> 43:1
97:14 98:5,13	209:4,16 210:7	300:7,18 303:9	40:1 79:17	44:1 271:22,24
99:24 100:7,16	212:21 213:1,5	305:7,15 306:1	136:12 155:6	331:10
101:6 102:9,20	213:19 214:2	306:12 307:1	156:13	<b>entire</b> 217:4
103:11 104:12	215:8 218:8,16	308:5 309:5,16	<b>electronically</b>	<b>entirety</b> 110:13
105:9 106:4,12	219:24 221:1	314:4 318:9,24	86:11	110:22
107:4 108:2,14	221:11 222:1	319:11 321:18	<b>element</b> 99:7	<b>entities</b> 3:11
109:11 110:11	223:17 224:13	322:1,4,19	<b>elements</b> 183:6	18:17 21:7
110:19 111:24	225:3,15 226:3	323:2 325:6	206:17,21	268:20
112:17 113:10	226:15 227:6	326:1,18	283:5 290:19	<b>entitled</b> 17:3
113:15 114:7	227:17 228:13	327:17 328:21	290:23	33:3,9 63:22
117:17,19	229:2 230:3,12	329:16 330:7	<b>elevated</b> 184:22	115:13 141:14
120:16 121:15	230:24 231:8	331:20 332:13	<b>ELYSE</b> 3:3	177:21 194:21
122:4,14 124:8	231:18,21	332:22 333:13	<b>EMMEL</b> 2:3	202:21 215:5
124:17 126:8	232:11 234:7	<b>Edison</b> 4:4	<b>employ</b> 71:5	229:11 259:2
127:4 128:13	234:22 235:10	<b>educated</b> 253:21	<b>employed</b> 19:13	260:14 282:14
129:20 130:12	235:20 236:4	<b>education</b> 38:4	20:10 45:12	312:8
131:6,21 132:3	236:18 237:18	<b>educational</b>	71:17 72:21	<b>entity</b> 85:11

173:2 <b>equal</b> 174:18 175:4 <b>equipment</b> 140:16 144:23 145:23 148:6 202:11 297:4 297:14,23 311:5,23 <b>equivalent</b> 69:22 114:13 178:24 221:7 231:6,17 <b>errata</b> 336:6,9 336:12,15 338:12 <b>escalate</b> 173:15 328:14,17 <b>escalated</b> 330:12 <b>escalating</b> 328:7 328:9 <b>escalation</b> 10:11 330:10 331:4,7 331:8 <b>espouses</b> 43:18 <b>ESQUIRE</b> 2:3,3 2:8,13,17 3:3,3 3:8,13,18 4:3 <b>essence</b> 41:18,22 113:19 <b>essentially</b> 140:9 178:11 179:1 187:16 198:18 283:24 <b>establish</b> 178:7 <b>established</b> 45:3 129:6 219:14 321:19 <b>establishing</b> 279:6 <b>estimate</b> 26:7 196:5 <b>estimated</b> 195:22 <b>et</b> 150:9 249:18 302:20 <b>European</b>	250:18 <b>evaluate</b> 83:1 182:19 183:5 219:18 <b>evaluated</b> 47:9 111:13 <b>evaluates</b> 123:19 <b>evaluating</b> 88:14 <b>evaluation</b> 307:15,17 325:10 <b>event</b> 171:8 174:20 330:18 <b>events</b> 328:10 <b>everybody</b> 143:4 <b>evidence</b> 173:22 206:20 210:1 242:14 290:22 293:7 <b>evidently</b> 284:17 <b>exact</b> 17:12 24:18,21 25:3 55:11 60:20 68:10 75:12 99:3 114:10 125:24 126:5 126:16 228:17 235:3 <b>exactly</b> 28:22 150:2 166:12 173:2 330:15 <b>examination</b> 15:12 295:13 <b>examine</b> 139:16 <b>examined</b> 13:1 140:4 <b>example</b> 70:6 78:5 166:19 171:15 269:11 311:17 332:5 <b>exceed</b> 160:19 <b>excuse</b> 20:8,18 25:8 34:13 57:2 62:2	70:17 75:21 114:1 125:3 126:2 133:8 142:6 143:17 160:18 174:17 177:3 206:4 208:7 211:24 213:21 219:12 227:14 239:24 253:8 260:3 261:1 264:12 265:13 274:22 277:19 278:22 281:14 288:17 297:23 306:19 307:19 310:1 313:24 322:17 <b>Excused</b> 333:24 <b>executive</b> 171:11,17,24 172:4,6,10,17 172:22 176:4 176:19 331:11 331:11 332:11 <b>executives</b> 172:18 177:2 245:4 <b>exercise</b> 115:16 <b>exhibit</b> 15:15,18 16:1,5,6 22:21 22:21 30:15,19 54:11,15 57:20 69:19 76:2,6 93:18 96:10,14 97:20,24 99:6 101:16 104:2 109:3,5,15 117:16,18,20 117:23 134:11 138:12,14 141:9,11 155:18 156:1,4 161:23 162:3 173:7,7 177:12 177:15 179:12 180:1,3 194:11 194:15 202:16	202:20 211:20 211:24 214:3,7 214:18 228:2,6 229:10 238:16 238:20 239:23 245:3 254:18 254:21,23 259:11,15 266:18,22 274:1,5,8,17 274:24 276:3,7 278:24 280:24 281:4 288:12 288:16 293:19 293:23 310:18 312:2,4 313:19 313:23,24 314:19,24 316:7,11,13 317:4,15 319:6 319:8 322:11 322:14 326:13 326:16,22 <b>exist</b> 202:6 252:19 <b>existing</b> 275:10 328:18 <b>exists</b> 244:12 <b>expect</b> 127:15 169:11 <b>expectations</b> 294:15 296:13 <b>experience</b> 140:16 153:18 183:11 <b>expert</b> 61:23 153:7 <b>expertise</b> 39:19 40:5,7 44:22 47:18 49:16 51:10 103:22 154:7 161:17 183:19 <b>experts</b> 150:7 153:9 161:5,21 163:10 198:7 300:1	<b>expires</b> 338:21 <b>explain</b> 156:8 222:1 <b>explained</b> 162:24 197:7 197:18 <b>explanation</b> 7:6 162:9,11 <b>exposure</b> 49:9 <b>extent</b> 116:14 135:2,23 136:15 137:6 137:10 261:18 322:21 <b>external</b> 128:17 130:4 150:18 193:5 269:10 <b>extracted</b> 59:2 <b>extracting</b> 196:1 <b>extremely</b> 200:16 <hr/> <b>F</b> <b>F</b> 117:9 <b>facets</b> 220:20 <b>facilities</b> 125:8 311:11 <b>facility</b> 63:19 68:23 87:9 91:9 121:16 198:3 202:8 210:18 212:7 234:15 235:9 236:2 237:23 267:17,19 289:7,10,16 315:12 316:22 <b>fact</b> 94:17 106:17 112:7 133:4 138:22 140:20 159:6 164:15 166:7,9 185:14 188:4 233:8 236:23 237:3 240:18 240:23 253:19 284:22 298:5
--	---	---	--	--

300:10 307:14 311:5 <b>facto</b> 166:7 <b>factors</b> 148:9 <b>facts</b> 33:13,15 <b>factual</b> 32:22 <b>fail</b> 336:18 <b>failed</b> 256:13 309:14 <b>failure</b> 175:18 279:11 283:9 305:21 309:9 <b>failures</b> 309:10 310:8 <b>fair</b> 22:2,16,17 61:17 62:3 63:6 95:7 118:17 143:6,6 143:7 192:11 216:1 228:21 241:15 258:16 <b>false</b> 167:22 <b>familiar</b> 29:1 110:5 180:7 182:11,14 211:4 <b>families</b> 325:3 325:22 329:13 <b>family</b> 327:7 <b>far</b> 99:11,16 179:3 220:22 <b>fax</b> 1:23 <b>FCC</b> 9:20 314:6 314:10 <b>FDA</b> 221:7,21 222:23 223:4 224:10 225:22 227:13 244:18 246:15 247:7 248:5 250:6 294:9 <b>February</b> 14:15 303:4 305:13 <b>fed</b> 227:24 <b>feel</b> 22:7 264:4 <b>feet</b> 62:3,14,15 <b>felt</b> 189:22	<b>FERGUSON</b> 3:13 22:3 203:10 205:21 207:8 213:7 <b>fiber</b> 148:24 157:13,22 158:5,14 159:2 159:21,23 160:2,4,17,19 160:24 165:14 165:18 166:2,9 168:8,24 169:2 169:4,13,19,19 173:15 175:17 175:19 <b>fiberglass</b> 302:20 <b>fibers</b> 155:9 157:6,15 158:10,13,15 159:18 160:12 163:3,4,12 164:8,16,24 165:17,18,19 166:13,18 167:5,9,20 168:5 170:10 302:19 308:3 <b>field</b> 163:10 <b>figure</b> 314:16 <b>file</b> 143:9 323:16 <b>files</b> 35:11 127:16 263:11 <b>filing</b> 130:10,16 <b>filled</b> 42:16,17 215:19 <b>filling</b> 215:16 <b>final</b> 207:24 208:11,17 252:2 302:13 <b>finally</b> 123:20 <b>find</b> 120:1 175:19 282:5 303:17 304:8 <b>finding</b> 160:4 164:23 168:24 170:10 205:17	206:5,8 207:22 210:13,14 221:8 251:4 286:11 301:7 304:22,23 <b>findings</b> 195:2 205:4 207:6,6 207:16 286:12 287:20 292:11 292:12,14 <b>fine</b> 32:23 87:12 87:14 214:15 264:24 274:16 <b>fineness</b> 316:19 <b>finish</b> 100:9 122:15 <b>finished</b> 30:21 92:19 93:21 <b>firm</b> 14:2 40:24 <b>firm's</b> 294:11 296:9 <b>first</b> 12:24 76:14 76:17 99:1 100:20 101:14 132:1 133:5 140:4 277:17 297:2 313:22 316:17 <b>five</b> 24:23,24 25:3,13 26:13 28:4 53:17 156:21 157:6 157:14 158:9 159:7,18 163:2 163:11 164:23 165:19 166:13 166:18 167:4,8 167:19 173:21 174:4 207:5,6 256:24 264:19 <b>five-minute</b> 168:13 <b>Florham</b> 3:9 <b>FLW</b> 1:6 <b>focus</b> 204:13 <b>focused</b> 37:9 38:4 50:16	204:11 219:8 <b>folder</b> 315:1 <b>folks</b> 51:5 173:2 177:7,8 243:11 243:11 249:5 249:10 259:9 278:9 279:22 286:23 325:11 <b>follow</b> 14:21 <b>follow-up</b> 14:21 134:7 177:10 265:15 274:14 321:2 <b>following</b> 57:24 127:11 206:10 252:22 282:19 285:21 <b>follows</b> 13:1 191:1 294:7 <b>Food</b> 313:5 <b>foot</b> 61:21 <b>force</b> 242:18 <b>foregoing</b> 335:18 338:6 <b>form</b> 22:4 51:18 52:6 66:12 68:19 70:22 71:7,20 77:23 87:10 88:23 90:3 93:8 94:12 95:3 97:15 98:6,14 100:1 110:17 112:1,18 113:11,16 114:8 120:17 122:5 129:21 142:21 146:17 149:10,14 152:2 154:14 155:13 156:11 158:1,20 165:9 167:14,24 174:11,23 178:15 185:1 187:23 188:11 189:17 190:14	203:11 205:10 205:22 207:9 209:5 215:9 218:9,17 227:16 231:9 231:22 232:12 234:8,23 235:11,21 236:5,19 237:19 239:3 239:14 240:12 241:7 242:2,22 243:22 245:9 248:7 253:6,12 255:23 256:19 257:6,15 258:3 258:11 261:14 265:21 273:19 277:16 283:21 309:17 313:12 319:12 332:14 338:10 <b>formal</b> 201:21 202:5 217:18 <b>format</b> 251:23 317:20 318:3 <b>formed</b> 40:24 226:12,20 227:3 228:22 242:18 244:15 244:19 <b>former</b> 35:1 201:15 203:8 <b>forward</b> 14:3 20:14 71:4,11 71:12 72:23 73:1 87:22 89:23 94:20 105:20 327:14 <b>found</b> 159:2,22 160:12 165:14 165:16,17 167:4 169:3,12 169:13 171:14 185:13 188:16 229:22 243:3 244:3 305:14
--	---	--	--	--

305:23 308:3 331:14 <b>foundation</b> 63:14 100:8,17 101:7 105:10 112:18 190:13 255:23 256:19 257:6,15 258:3 277:16 280:20 289:12 321:24 <b>four</b> 16:14,19 26:17 317:18 320:20 <b>fraction</b> 196:4 <b>Fragrance</b> 137:21 <b>frame</b> 20:18,18 56:6 61:6 84:21 87:21 102:1,7,19 104:4 105:1 211:3,18 331:1 <b>Franklin</b> 4:3 <b>free</b> 22:7 144:18 <b>frequencies</b> 81:16 100:13 119:7,22 132:23 133:15 <b>frequency</b> 98:1 <b>frequently</b> 104:17 <b>front</b> 22:19 37:21 97:20 131:11 <b>fulfillment</b> 41:20 42:14 <b>full</b> 93:23 303:24 318:15 <b>fully</b> 268:4,13 269:18 <b>functioning</b> 332:9 <b>funneled</b> 313:1 <b>further</b> 15:3 42:6 100:22 304:3 <b>future</b> 147:17	<b>G</b> <b>gap</b> 206:16 290:18 <b>gaps</b> 206:16 290:18 <b>general</b> 16:17,18 36:18 120:8 124:9 126:18 139:4,10 199:18 204:14 205:14 220:15 233:19 252:15 292:9 294:20 <b>generally</b> 24:3 33:17 252:8 <b>generate</b> 187:15 315:14 <b>generated</b> 94:9 94:14,18 151:3 271:17 281:10 315:9,10 317:16 329:8 <b>geologist</b> 38:13 <b>geopolitical</b> 219:5 <b>Georgia</b> 14:1 63:18 68:23 84:4,14,16 85:18 91:9,24 199:6 267:19 315:12 <b>GEREL</b> 2:8 <b>germane</b> 24:10 <b>getting</b> 233:15 272:12,14,17 278:15 323:7 <b>Giguang</b> 194:22 232:9 321:14 <b>give</b> 26:7 74:21 109:11 142:2 191:23 213:16 213:23 245:16 259:17 263:13 264:12 266:23 314:24 <b>given</b> 173:3	220:7 255:18 260:7,8 303:24 335:6 338:8 <b>gives</b> 230:19 <b>Glacier</b> 9:20 314:6,10 <b>gleaned</b> 94:8 <b>global</b> 6:17 36:14,23 141:15 151:10 175:15,15 227:22 229:7 244:12 250:22 268:5,14 269:18 <b>globally</b> 220:8 <b>globe</b> 36:21 220:10 288:10 <b>GMP</b> 120:4,9 125:9 286:15 289:22 <b>go</b> 17:21 24:12 81:20 88:24 91:8 101:12 159:12 167:15 170:6 175:22 182:16 189:24 217:13 254:19 262:18 295:23 304:10 314:16 315:1 325:9 326:4 330:7 <b>goes</b> 149:3 297:17 302:5 <b>going</b> 16:4 18:2 20:12 21:12 23:23 35:14 59:7,14,16 69:16 72:14 73:7,12 96:14 107:4 108:3 109:1 115:16 117:5 136:14 159:21 162:3 168:16 201:3 213:22 214:3 217:7,13	224:24 225:3 262:17,18 265:4 291:9 303:15 304:2 304:13 312:2 313:9,23 314:22,23 317:14 323:3 323:12 333:22 <b>gold</b> 146:14,19 147:6,11 149:7 149:18 150:3 150:10,15,19 150:22 <b>GOLDMAN</b> 2:17 <b>Golkow</b> 1:22 12:6 <b>good</b> 12:2 15:21 17:20 43:20 53:1 187:18 254:19 264:16 265:2 289:22 <b>Google</b> 61:24 <b>GORDON</b> 3:13 <b>Gosh</b> 171:20 227:10 <b>Gottfried</b> 327:15 328:1 <b>govern</b> 121:3 <b>government</b> 147:4,10 149:5 149:17,21 150:8 151:10 239:20 252:18 <b>government's</b> 221:7 <b>grade</b> 5:20 7:8 9:22 10:6 54:22 57:10,11 58:3 162:19 <b>gray</b> 1:18 12:20 142:17 335:12 <b>great</b> 17:19 22:18 23:4 326:20 <b>greater</b> 174:4,15	174:17 188:24 <b>grind</b> 200:9 <b>grinding</b> 7:13 68:13 111:9 194:22 234:15 235:9 236:2 237:23 <b>grocery</b> 94:22 <b>ground</b> 194:8 <b>grounds</b> 246:5 248:8 <b>group</b> 71:24 72:21 94:2 128:3,18 142:12 143:20 172:12 181:5 183:21,21 198:8 204:11 227:11 243:9 245:23 307:14 325:9 332:3 <b>groups</b> 154:20 <b>Guangxi</b> 58:12 58:22 59:1 216:12 <b>Guiguang</b> 7:12 10:8 58:5 195:7,10 <b>Guilin</b> 7:12 10:8 194:21 199:23 200:1,2,3 219:9,13 232:8 232:23 233:2 233:15 267:24 268:2,3,6,12 268:23 269:7 270:2,15 271:8 271:11,24 272:19 273:1,1 273:13,20 275:11,18 276:21 277:2,5 279:19 280:7 321:9,14 <b>Guilin's</b> 279:2 <b>Guping</b> 58:9
---	---	---	--	---

<b>H</b>	267:14,14,16	224:8 225:1	<b>Hicks-25</b> 9:11	222:13
<b>H</b> 5:10 6:2 7:2	<b>heavy</b> 66:14,17	231:6 233:10	288:13	<b>Hollweck</b>
8:2 9:2 10:2	67:1 92:22	235:15 238:20	<b>Hicks-26</b> 9:14	288:22 289:3
<b>hair</b> 180:11	311:19	238:21 254:18	293:20	289:14
<b>half</b> 198:18,19	<b>held</b> 1:16 12:10	259:16 264:9	<b>Hicks-27</b> 9:17	<b>homework</b>
<b>hand</b> 16:4 281:3	229:18 267:7	265:10 276:23	312:5	217:15
<b>handed</b> 31:1	<b>help</b> 244:19	283:13 290:6	<b>Hicks-28</b> 9:20	<b>Hong</b> 200:5,5
156:4 228:5	247:24 276:24	291:23 296:8	313:20	<b>Honorable</b>
312:7	<b>helped</b> 135:17	301:14 304:19	<b>Hicks-29</b> 9:22	295:10
<b>handle</b> 224:5	247:13,14	312:1 313:10	314:20	<b>hopefully</b> 119:3
310:3,7 330:16	<b>helpful</b> 53:15	323:17,23	<b>Hicks-3</b> 5:17	<b>hosted</b> 260:15
<b>handled</b> 181:17	59:17	324:17 335:8	30:16	<b>hour</b> 27:14
<b>handling</b> 36:20	<b>HERRINGT...</b>	338:16	<b>Hicks-30</b> 10:6	28:17 29:9,10
<b>happen</b> 173:14	3:2	<b>Hicks-1</b> 5:14	316:8	29:14 264:20
<b>happened</b> 151:2	<b>Hi</b> 275:5	15:16	<b>Hicks-31</b> 10:8	<b>hours</b> 25:16
192:8	<b>Hicks</b> 1:15 5:4	<b>Hicks-10</b> 6:21	322:12	27:23 304:9
<b>happens</b> 76:14	5:17 12:16,23	156:2	<b>Hicks-32</b> 10:10	333:17
<b>happy</b> 18:2,4	13:4 15:4,21	<b>Hicks-11</b> 7:6	326:14	<b>housed</b> 123:11
103:2 263:6	20:4,7,11,24	161:24	<b>Hicks-4</b> 5:18	<b>Houston</b> 57:14
318:20	22:12 29:2	<b>Hicks-12</b> 7:9	54:12	60:14 61:7
<b>harassing</b>	30:19 31:7	177:16	<b>Hicks-5</b> 6:6 76:3	63:11 87:9
116:15,20	37:24 40:23	<b>Hicks-13</b> 7:11	<b>Hicks-6</b> 6:9	91:23 198:2
<b>hard</b> 112:7	42:23 44:6	180:4	96:11	200:6,7 202:8
<b>hazard</b> 51:21	45:1,10 47:8	<b>Hicks-14</b> 7:12	<b>Hicks-7</b> 6:13	208:2,24 209:2
152:1,4	47:15 48:1,17	194:12	109:6	209:15 210:17
<b>hazardous</b>	48:24 49:13	<b>Hicks-15</b> 7:15	<b>Hicks-8</b> 6:15	210:21 212:5,7
151:18 154:10	51:24 59:9	202:17	138:15	214:20 267:19
<b>head</b> 62:23	60:12 62:19	<b>Hicks-16</b> 7:17	<b>Hicks-9</b> 6:17	267:20,21
74:22 128:1,3	67:10 71:3	211:21 214:8	141:12	270:18 273:10
170:7	73:19 75:9,24	<b>Hicks-17</b> 7:20	<b>high</b> 66:5,14	316:22,24
<b>head-to-toe</b>	79:24 95:8	228:3	67:7 200:17,20	317:2,9 320:3
312:20	97:18 106:11	<b>Hicks-18</b> 8:6	200:21 201:1	320:6
<b>headquarter</b>	108:19 109:10	238:17	282:22 332:8	<b>Huamei</b> 58:9
200:8	109:12,16	<b>Hicks-19</b> 8:9	<b>higher</b> 189:24	<b>humans</b> 44:7
<b>headquarters</b>	114:21 116:8	254:24	<b>highlighted</b>	47:12,22 48:21
244:13	116:20 117:14	<b>Hicks-2</b> 5:15	267:3	49:10 65:11,24
<b>health</b> 47:10,21	120:9 122:13	15:19	<b>highly</b> 150:6	66:9,15 67:8
49:8 291:2	131:12 134:6	<b>Hicks-20</b> 8:12	<b>Himmelsbach</b>	151:18 182:21
301:4	135:8 139:1	259:12	288:24	183:14 184:6
<b>heard</b> 146:18	144:4,11 153:2	<b>Hicks-21</b> 8:17	<b>hire</b> 247:12	<b>Huntington</b>
149:19 150:11	156:16 166:17	266:19	<b>hired</b> 210:16	302:11
150:14,16,18	168:22 181:10	<b>Hicks-22</b> 8:20	247:5 280:15	<b>hygiene</b> 73:9
197:7 200:1	183:1,16 184:2	274:2	<b>historical</b>	<b>hygienist</b> 38:18
<b>hearing</b> 228:24	190:19 192:14	<b>Hicks-23</b> 9:6	181:24 189:10	<b>hypothetical</b>
<b>heat</b> 8:18 230:21	205:12 214:10	276:4	<b>history</b> 25:7	144:20 165:11
231:15 256:16	218:22 222:3	<b>Hicks-24</b> 9:8	54:7	168:3 171:14
	222:14,16	281:1	<b>hold</b> 61:14 141:4	

<b>I</b>	89:16 90:10	174:7 268:22	320:10	<b>inhouse</b> 267:17
<b>IARC</b> 50:20	161:4,21	302:6	<b>indicates</b> 111:10	269:9,14
51:4 181:6	169:12 194:7	<b>included</b> 45:13	236:8 284:21	<b>initial</b> 67:16
182:11	196:3 197:8,23	112:15 114:10	305:17	68:12 111:8
<b>ID</b> 303:5	201:10,15,19	129:19,24	<b>Indicating</b> 81:6	278:5 286:17
<b>ID'd</b> 306:10	201:23 202:3	133:24 172:11	<b>indication</b>	301:23,24
<b>idea</b> 217:23	203:9 204:20	172:22 245:4	289:17 298:13	306:9
219:20	207:7 209:20	324:9 332:3	<b>indicative</b> 189:9	<b>initially</b> 169:14
<b>identical</b> 252:16	212:9 214:21	<b>includes</b> 205:3	<b>individual</b> 14:23	328:11
<b>identification</b>	216:15 233:3,3	206:19 290:21	77:20 80:11	<b>initials</b> 301:22
15:15,18 30:15	258:22 259:8	<b>including</b> 14:22	148:7 161:8,11	<b>initiate</b> 278:16
54:11 57:6	262:4 263:1,21	177:6 245:5	223:8 325:8	<b>Innovations</b>
76:2 96:10	267:18 271:3,3	252:23,24	<b>individuals</b> 41:7	41:19
109:5 112:5	271:20 272:5	257:22,23	47:3 150:6,19	<b>input</b> 81:3
138:14 141:11	273:3,22	308:11	171:21 226:12	181:19
156:1 161:23	316:21 317:17	<b>incoming</b>	253:19 282:1	<b>instance</b> 223:3
168:8 177:15	318:2	207:24 318:8	325:2 332:6	<b>instances</b> 301:13
180:3 194:11	<b>Imerys'</b> 21:21	<b>incomplete</b>	<b>individuals'</b>	<b>instituted</b> 102:1
202:16 211:20	<b>immediate</b>	318:11	172:3	102:18 105:5
214:7 228:2	258:23	<b>incompletely</b>	<b>inductive</b>	120:11 121:21
238:16 254:23	<b>immediately</b>	303:12	179:14	211:15 284:8
259:11 266:18	228:23 308:13	<b>incorporated</b>	<b>industrial</b> 38:17	<b>instructions</b>
274:1 276:3	309:19	84:3 136:17	256:6	22:23 23:1
280:24 288:12	<b>impact</b> 95:1	<b>incorporation</b>	<b>industry</b> 41:13	336:1
293:19 312:4	<b>imperative</b>	252:10	41:15 139:24	<b>instruments</b>
313:19 314:19	336:14	<b>incorrect</b> 116:23	250:17 252:23	139:15
316:7 322:11	<b>implications</b>	167:11 300:14	253:17 254:4	<b>intellectually</b>
326:13	77:5	<b>independent</b>	<b>infers</b> 112:6	247:18
<b>identified</b> 168:5	<b>implied</b> 233:7	71:13,16,22	<b>information</b>	<b>intelligent</b>
<b>identify</b> 96:15	<b>important</b>	81:13 87:23	28:22 32:21,23	249:11
157:11 194:16	151:13,17	88:2,4,6 93:20	33:8,16 34:20	<b>intend</b> 191:15
208:10	157:23 229:5	93:22	51:4 74:10	<b>intended</b> 77:14
<b>identifying</b>	267:24 272:11	<b>independently</b>	81:7,12 95:16	87:6 322:22
139:7	287:3	307:17	95:19 96:1	<b>intent</b> 114:12,18
<b>III</b> 13:12	<b>imposed</b> 129:5	<b>INDEX</b> 11:2	135:18 143:20	129:14
<b>Imerys</b> 3:20 6:8	<b>impurity</b> 243:4	<b>India</b> 324:11	181:16 204:23	<b>Inter</b> 88:1
6:12,21 7:8,10	<b>in-process</b>	<b>Indian</b> 179:13	235:4 238:9	<b>interact</b> 36:22
7:16,19 8:16	278:12	244:4 250:19	240:9 256:14	<b>interacted</b> 247:3
9:21,23 21:20	<b>inability</b> 279:3	<b>indicate</b> 25:3	264:7 265:24	<b>interest</b> 218:1
21:22 57:13	279:12	29:18 111:14	271:1,9 312:23	271:21,23,24
67:21 68:3	<b>inappropriate</b>	178:23 256:2	317:22 326:7	274:14
69:11 80:20	123:13,17	307:4 320:21	<b>informational</b>	<b>interject</b> 192:5
82:4,11,23	223:13	329:23	94:10	<b>interpret</b> 226:5
83:1,15,18	<b>incident</b> 305:24	<b>indicated</b> 28:3,8	<b>informed</b>	226:17
87:9,17,20	<b>include</b> 36:13	91:8 98:20	226:11 228:12	<b>interpretation</b>
88:10 89:8,15	112:4 147:2	144:5 284:15	<b>informing</b>	116:11 195:11
	155:15 172:18	302:16 303:5	229:20	<b>interpreter</b>

140:17	99:1 109:23	<b>J4-1</b> 79:12,15	<b>JNJTALC000...</b>	69:12 71:4,4
<b>Intertek</b> 88:8,10	118:10 120:13	138:1,5,19,24	8:11	71:17,17,23,23
89:11,23 90:18	131:17 132:14	139:7,15 140:3	<b>JNJTALC000...</b>	72:3,3 75:5,6
90:22 202:22	190:22 221:8	154:23 250:9	9:19	78:11,11,15,16
203:15 209:9	328:11	251:17 252:9	<b>JNJTALC000...</b>	79:10,10 80:1
210:5	<b>issues</b> 50:17	<b>Jaeger</b> 327:12	8:8	80:1,20,21
<b>inventory</b> 57:5	128:6 170:3	<b>Janet</b> 276:8	<b>JNJTALC000...</b>	82:12,12 84:9
<b>investigate</b>	183:8 185:23	<b>January</b> 16:23	9:7	84:9 86:23,23
95:24 96:5	189:4 247:16	17:11,15,17	<b>JNJTALC000...</b>	89:22,22 90:4
188:3	301:3 328:17	26:1,1,21 28:8	8:19	90:5,8,8,15,15
<b>investigation</b>	328:18	29:20 30:1,11	<b>JNJTALC000...</b>	90:19,19 91:2
173:16	<b>items</b> 70:9 98:9	<b>Japan</b> 233:12	6:14	91:2,3,3,18,19
<b>invited</b> 176:5		234:1	<b>JNJTALC000...</b>	94:4,4 95:23
<b>involved</b> 28:11	<b>J</b>	<b>JB</b> 7:20 8:9	10:13	95:23 121:11
80:23 206:4	<b>J</b> 3:13	230:21 231:14	<b>job</b> 46:22 245:16	121:12,21,21
221:18 224:9	<b>J&amp;J</b> 5:18 7:7,17	256:15	<b>Joel</b> 295:11	123:21,22
243:10,11	9:17 20:10	<b>JBaby</b> 10:12	<b>Johnson</b> 1:4,5	124:3,3,14,14
275:8	40:17 44:20	<b>Jcheong@bm...</b>	3:11,11 8:15	129:5,5 130:7
<b>involvement</b>	50:6,6,7 51:14	4:5	15:5,5,6,6 16:6	130:7,8,8
36:1 37:8	52:10 68:16	<b>JENNIFER</b> 2:3	16:6,7,7 18:18	141:20,21
<b>involves</b> 301:3	69:8,13 72:20	4:3	18:24,24 19:6	147:23 153:12
<b>involving</b> 17:6,7	72:21 79:19	<b>jennifer.emm...</b>	19:6,12,12,20	153:12,16,16
222:21 259:22	82:13,17,20	2:6	20:20,20,24	153:19,20
<b>IP</b> 284:5	83:20 85:3	<b>Jersey</b> 1:2,17	21:1,3,3,3,4,11	154:8,24,24
<b>isolated</b> 290:24	89:11 93:20,22	2:14,19 3:9 4:4	21:11,14,14,14	160:20 161:13
<b>isolation</b> 146:5	93:24 120:11	12:11,14	21:15 25:24,24	161:14 166:2
146:20	121:18 125:14	<b>JF-1</b> 251:2	26:12,12,16,16	169:5 172:18
<b>issue</b> 17:8 22:8	131:4 138:6	<b>JFR</b> 212:19,20	27:9,9,17,17	176:21,22,24
55:12 66:6,8	150:21 154:19	213:6,8 215:4	27:18,18 28:15	176:24 177:4,5
161:1 169:12	172:23 173:2	215:14	28:15 29:12,13	177:5,5 185:6
170:11,13,24	196:2,3,16	<b>JJC</b> 230:9	31:10,10,10,11	185:6 186:11
173:22 174:6	220:9 234:14	<b>JJCI</b> 19:13	31:17,17 32:2	186:12 193:15
174:17,19	234:16 236:1	95:23 172:23	32:3 34:1,2,15	193:16 194:3,3
175:24 182:11	247:4 255:19	<b>JNJ</b> 5:20 6:20	34:15,20,21	198:14,14
215:11 223:23	260:6 262:4	7:11,14 8:22	35:2,2,5,5,20	202:2,2 203:16
227:16,21,22	268:5 271:6	10:7,9 213:19	35:20 36:7,7	203:17,21,21
229:5 243:7	272:19,21	<b>JNJ00013364...</b>	36:11,11 41:11	204:16,16,19
244:21 246:13	275:11 284:8	9:10	41:11 42:24,24	204:19,24,24
248:16 253:16	293:16 294:13	<b>JNJ00052160...</b>	43:5,5,11,11	210:17,17
269:5 272:6	294:13 296:11	9:16	43:16,16,17,17	215:7,7 216:22
275:7,10	296:12 301:19	<b>JNJMC</b> 118:17	43:19,19,24,24	216:22 218:15
300:13 305:22	304:21 307:5	131:14 132:1	44:18,18,18,18	218:15 221:24
308:12,13	310:3 312:9	192:1	46:20,20 48:20	221:24 222:18
328:20 329:3,6	315:5 318:5	<b>JNJNL61_000...</b>	48:20 54:19,19	223:4,4,11,11
330:10 331:1,4	319:22 321:11	9:13	59:3,3 64:9,10	225:2,2,10,22
331:8,13	321:17	<b>JNJTALC000...</b>	64:13,14,21,21	225:22 226:10
<b>issued</b> 96:19	<b>J&amp;J's</b> 195:23	7:21	68:3,3 69:11	226:10,13,13

228:11,11,22	325:1 327:5,6	3:13	<b>knowledge</b>	113:18 114:4
228:22 230:1,2	333:7,7,10,10	<b>kept</b> 124:19	58:19 72:16	114:10 129:13
230:10,10,15	<b>Johnson's</b> 18:19	<b>key</b> 206:21	74:3 84:17	129:17
230:15 234:4,4	19:20 147:23	290:23	106:22 153:24	<b>LAPINSKI</b> 2:17
237:12,12,16	154:9 160:20	<b>kferguson@g...</b>	179:22 183:11	321:22 326:17
237:16 239:18	166:3 169:5	3:15	261:21 262:17	<b>large</b> 68:7 243:9
239:18 241:2,2	172:19 222:19	<b>kind</b> 245:1	263:23 307:3	245:23
247:23,23	225:10 230:21	311:23	<b>known</b> 65:10	<b>largely</b> 321:17
249:4,5,21,21	233:4,5 234:20	<b>kindly</b> 187:1	149:4,5 150:1	<b>late</b> 26:22 291:1
250:7,7 252:24	236:15 243:18	<b>kinds</b> 50:17	150:3 151:18	329:7
252:24 254:6,7	255:20 265:16	81:14 183:22	151:24	<b>latest</b> 56:22 96:1
257:12,12,22	265:19 266:6	204:12 329:9	<b>knows</b> 261:19	<b>law</b> 1:16 14:2
257:22,23,23	268:13 272:2	<b>knew</b> 240:18	<b>Kong</b> 200:5,6	<b>lawyer</b> 274:12
258:8,21,22	277:12 293:24	<b>know</b> 17:21,22		<b>LAWYER'S</b>
259:21,23,23	<b>judge</b> 13:7 14:14	17:22 33:10	<b>L</b>	339:1
260:5,6,6,13	116:17 291:10	48:8,12 49:7	<b>L</b> 1:18 5:17	<b>Ldwyer@orri...</b>
260:13,14,15	303:16 304:7	53:24 54:5	335:12	3:6
260:15,16	<b>judgments</b>	55:16,20 56:17	<b>L.L.P</b> 3:17	<b>lead</b> 67:6,7
261:12,12	183:23	75:3,10 81:12	<b>lab</b> 71:22 72:2,7	70:18 78:5,13
262:8,9,9,13	<b>Julie</b> 161:9	95:11 120:9	72:20 88:2,4,6	92:22 98:4
262:14 263:3,4	166:6 259:2,5	121:8 128:7	93:4,12,23,24	180:7
263:4,10,17,17	<b>July</b> 8:15 131:17	135:15,16	94:3 240:17	<b>leadership</b>
265:13,13,14	132:15 133:16	152:23 153:1	256:7 280:15	331:22 332:2
265:16,18	258:18 265:11	153:17 161:8	286:15 288:3	333:8
266:2,2,5	335:15	170:5 171:21	292:16 297:3	<b>learned</b> 255:19
268:11,11,13	<b>junction</b> 61:15	171:23 175:16	297:14 298:5	<b>leave</b> 46:16
270:4,5 271:10	<b>June</b> 1:12 12:7	176:8 177:8	302:8 320:10	287:19
271:10,23,23	25:11,19 26:15	180:13 182:13	320:15,19,20	<b>led</b> 262:8
272:1,6,6	26:18 32:11	182:18 189:3	320:21 321:9	<b>Lee</b> 9:12 71:23
273:13,14,14	141:17 151:3	197:11,20	<b>labeled</b> 68:12	72:21 80:15,16
273:14,23,23	171:5 173:5	199:24 201:6	69:20 111:8	94:2,3,9,24
276:10,10	175:9 327:6	202:13 205:5	<b>labels</b> 302:6	141:4 142:12
279:23,23	331:1	209:8 210:9,24	<b>labor</b> 195:13	143:20 144:6
280:15,15	<b>justification</b>	216:23 217:19	<b>laboratories</b>	148:14 161:3
281:5,5 286:5	148:19	219:4 237:9	271:5	169:13 198:7
286:5,13,14		238:11,12	<b>laboratory</b>	247:5,12
289:24,24	<b>K</b>	241:14 245:20	71:14 81:14	248:19,22
291:15,16	<b>K</b> 2:3 3:18	251:22 260:7	88:7 89:14,17	249:3,13,20
293:2,2,9,10	<b>Kansas</b> 218:23	263:8,18	90:6 205:7	254:14 275:12
293:24 294:9	218:24 219:7	264:22 267:1	238:14 269:11	280:14,18
294:10,17,17	219:15	269:9,13	<b>labs</b> 71:5,16	282:9 283:17
299:23,24	<b>keep</b> 208:6,7	271:15 280:2	87:23 89:8	284:15,22
306:11,11,16	<b>keeps</b> 153:12	299:4 301:14	320:21,24	285:2,17
306:17,22,22	<b>Kelly</b> 327:15	306:13 313:12	<b>lack</b> 100:8,17	286:14,19
308:2,2 312:12	328:1	318:14,16	206:20 290:22	287:12,16
312:12 317:23	<b>Kemble</b> 3:18	323:2 324:5	<b>Lang</b> 58:10	288:2,21 289:6
317:24 324:24	<b>KENNETH</b>	333:14	<b>language</b> 113:14	289:9 290:6

291:24 292:11	<b>LIABILITY</b> 1:6	114:4 180:13	37:18 54:8	320:10
292:21 293:11	<b>light</b> 39:1 140:1	279:6	57:19 59:20	<b>loose</b> 316:19
294:1,17,22	140:10 302:21	<b>linked</b> 101:2	77:9 87:4	<b>loss</b> 321:5
296:17 297:20	<b>limit</b> 7:7 19:18	<b>links</b> 262:3	97:23 99:2,10	<b>lost</b> 254:18
299:19 304:21	20:5 77:20	263:3	101:9 102:11	314:24 323:18
305:4 306:16	78:4 79:1,4	<b>list</b> 71:16 246:2	105:13 107:9	<b>lot</b> 67:21,23 68:1
306:21 307:9	140:13,22	301:21 320:19	109:16 110:12	68:1,4,6,8 85:4
308:7,17 309:1	143:23 144:3,8	320:20	110:21 111:2	98:10,23 99:22
<b>Lee's</b> 285:12,21	144:8,12	<b>listed</b> 70:9 88:17	113:4 115:20	101:3,21 102:7
286:4 287:10	145:16,23	119:21 123:6	125:8 132:3	103:10,17
<b>legal</b> 23:20	148:9,20	277:6 302:13	138:11 143:10	105:8 107:3
31:14 177:8	156:17 160:3,6	320:16	146:4,23	110:10 111:22
<b>Leigh</b> 2:3 15:22	162:10,12	<b>listen</b> 187:8	147:12 148:10	112:9,14,24
118:14	163:2,6 166:11	<b>lists</b> 296:24	156:15 168:6	113:2,9 114:6
<b>leigh.odell@b...</b>	175:5 178:11	<b>literature</b> 40:13	173:11 179:8	133:7,9 166:12
2:5	179:12,15	182:17	180:9,18 182:2	197:1,5,16
<b>Lesley</b> 327:15	181:1,22 182:3	<b>litigation</b> 1:7,22	183:20 190:18	198:1 201:2
327:21	182:6 185:24	12:6 28:2,5,5	191:4 202:9,10	210:3,3 276:22
<b>let's</b> 62:16 81:20	186:4,7 187:14	185:7	202:11 203:14	276:22 277:2
101:12 115:24	187:15 189:1	<b>little</b> 43:10	217:14 228:8	302:7 315:11
117:1 225:13	189:14 190:4,9	194:1 305:8	245:2 259:18	316:4,5 317:9
225:19 264:9	190:24	320:17 321:4	262:19 263:6	317:13 319:19
304:7,10	<b>limitation</b>	<b>live</b> 36:4	264:1 279:22	320:13
<b>letter</b> 115:20	144:22	<b>LLP</b> 2:8 3:2,8	279:23 318:20	<b>lotions</b> 42:1
116:2 217:16	<b>limited</b> 41:10	3:13	<b>looked</b> 62:1	<b>lots</b> 93:21 133:7
217:18,24	53:19 84:20	<b>loaded</b> 208:4	101:13,14	196:21,24
295:10	93:1 270:8	<b>lobbying</b> 248:2	103:14 107:16	198:2
<b>letters</b> 132:1	<b>limits</b> 142:8	<b>local</b> 324:15	108:22 134:3	<b>Louis</b> 84:22
<b>level</b> 65:9 125:5	181:19,21	<b>locate</b> 219:16	134:15 148:8	<b>low</b> 232:23
156:23 157:4	185:11 189:23	<b>located</b> 71:24	173:6 278:9	<b>lower</b> 60:7 93:16
158:17 159:3	243:5	84:3	317:19	99:16 316:1,15
159:10 163:13	<b>Linda</b> 303:3	<b>locating</b> 219:8	<b>looking</b> 21:19	317:4
164:21 165:3	<b>line</b> 11:6,9,12,15	<b>location</b> 85:15	25:5 33:16	<b>lump</b> 87:10
173:17 176:2	37:8 87:5	85:24 89:2	43:16 61:17	<b>lunch</b> 117:2,7,15
178:1 188:14	170:8 172:8	<b>LOGAN</b> 3:3	69:18 81:10,15	<b>Luzenac</b> 212:3
188:15 189:8	185:11 212:11	<b>logged</b> 325:11	88:11 91:10	214:20
191:2,21	213:1 214:24	<b>login</b> 303:1	97:18 99:6	
197:12 200:20	214:24 223:14	<b>long</b> 25:12 33:5	100:21 113:5	<b>M</b>
200:21 201:1	232:7 256:8	37:13 264:17	117:15 135:15	<b>M</b> 2:13 3:8
230:22 242:18	337:4 339:2	264:18 267:22	142:1 158:4	303:3
332:6,8,20	<b>link</b> 279:12	327:18	178:6 179:11	<b>machine</b> 298:22
333:1,2	<b>linkage</b> 99:21	<b>long-time</b> 35:2	201:5 219:2	299:14
<b>levels</b> 65:2,5	101:19 102:5	<b>longer</b> 219:21	220:14 235:17	<b>machines</b> 298:6
66:5,15 67:7	103:7 105:7	<b>Longguang</b> 58:9	238:22 239:23	<b>magnesium</b>
144:15 152:2	107:1 110:8	<b>Longsheng</b>	267:15 269:6	70:17
172:14 330:12	111:20 112:7	58:11	277:20 332:9	<b>mail</b> 86:12
<b>LHG</b> 1:6	112:13 113:7	<b>look</b> 22:21 24:20	<b>looks</b> 203:3	<b>maintain</b> 35:10

<b>maintained</b> 55:3	68:17 84:15,18	313:18 314:18	121:5 123:9,20	325:9 326:5
<b>maintenance</b>	85:4,15 94:21	316:6 322:10	125:13 131:16	<b>meet</b> 24:8,16
297:13	99:9 120:4	326:10,12,21	203:20 207:24	206:18 283:6,9
<b>major</b> 104:22	128:4,17	<b>market</b> 41:23	207:24 209:2	290:20
170:3 205:17	187:19 193:5	322:23 324:15	284:7 311:3	<b>meeting</b> 25:15
206:4,8,9	200:22 227:23	<b>marketing</b> 1:5	314:2 315:4	176:19,23
207:5,16	257:19 289:23	123:2 332:7	<b>math</b> 62:12,21	177:1 229:19
236:14 283:9	313:15 315:8	<b>marking</b> 30:19	62:23,24	239:1,12 240:4
290:7,11 291:3	315:15 319:10	54:15 76:6	231:11	240:10 241:5
292:1 297:8	<b>Maple</b> 2:13	138:12 141:9	<b>matter</b> 12:11	241:23
298:3,15,24	<b>March</b> 13:6 35:9	177:12 180:1	22:20 170:3	<b>meetings</b> 24:21
300:11 301:3,7	76:18 93:19	194:15 202:20	243:5 307:22	24:24 25:9,10
304:23	96:19 118:10	211:24 238:20	<b>maximum</b> 78:20	25:13,19 26:15
<b>making</b> 183:22	120:14 121:14	259:15 266:22	191:2	26:18,19,20,22
253:18 279:24	122:3 129:10	274:5 293:23	<b>McTIERNAN</b>	27:24 28:8
318:6	129:24 131:2	316:11	4:2	30:1,2 34:1,16
<b>manage</b> 285:1	180:19 280:18	<b>mass</b> 159:15	<b>MDL</b> 1:5 13:21	35:15 40:16
<b>managed</b> 33:18	281:14 294:2	166:13	<b>mean</b> 22:14 26:4	119:1 182:16
33:20,21	304:21	<b>material</b> 6:6,9	27:7 33:14,19	246:10,11
204:10	<b>marginal</b> 296:21	6:13 52:8,14	38:2 41:4 66:8	248:20,20
<b>management</b>	<b>mark</b> 3:18 62:13	55:19,23 56:4	72:11 144:15	259:8 325:14
150:17 151:13	96:14 109:2	56:8 59:18	144:17 145:1	333:9
154:8 170:6	155:22 162:3	61:11,18 66:23	145:14 166:17	<b>meets</b> 144:21
171:11,18	193:6 194:19	80:9 87:13	168:6 169:7	<b>member</b> 154:7
172:1,5,10	198:12 199:12	91:1,14 95:12	173:1 177:6	266:14
194:24 330:13	262:1,17	97:9 100:6	179:17 201:2	<b>members</b> 32:2
331:11,12	266:12 275:6,6	102:18 103:5	202:5 203:1	80:20 193:6
332:19	288:24 312:2	103:13 104:24	237:6 248:14	246:3 252:23
<b>manager</b> 193:7	313:23 314:23	105:5 120:14	263:4 331:9	258:21 281:18
193:7 194:20	<b>marked</b> 11:14	129:14 132:13	<b>meaning</b> 79:20	332:19
288:23 302:14	15:14,17,24	140:4,8 144:14	114:13 168:11	<b>memo</b> 7:6 162:8
<b>manganese</b>	30:14 54:10	146:1 154:11	<b>meaningful</b>	<b>memorandum</b>
70:17	76:1 96:9	158:8,8 193:5	48:14 157:15	162:4
<b>manner</b> 248:21	109:4,14	204:9 208:14	157:18,23	<b>memory</b> 16:21
<b>manufacture</b>	138:13 141:10	208:17 230:19	165:20 166:14	53:12 75:1
41:22 124:5	155:18,24	232:8 236:24	<b>means</b> 81:22	88:23 107:5,23
<b>manufactured</b>	161:22 173:6	256:6,15 272:2	94:19 166:24	119:2 137:23
84:13,22 85:22	177:14 180:2	300:24	238:12 335:20	138:21 234:18
<b>manufacturer</b>	194:10 202:15	<b>materially</b> 57:1	<b>meant</b> 67:22	289:9
83:22,24 84:2	211:19 228:1	57:2	87:7	<b>mentioned</b>
130:5	238:15 254:21	<b>materials</b> 52:9	<b>medical</b> 38:11	14:14 56:10
<b>manufacturers</b>	254:22 259:10	54:2 73:20	45:4 46:2,15	134:8 196:18
125:11	264:2 266:17	74:17 76:22	49:17 50:15	220:21 266:11
<b>manufacturers'</b>	273:24 276:2,7	77:3 80:2,18	51:5 153:7,8	311:7
226:23	280:23 281:4	96:2,16 97:7	181:18 183:21	<b>mercury</b> 70:18
<b>manufacturing</b>	288:11,16	101:24 104:23	184:14 186:2	<b>mesothelioma</b>
9:9 43:20	293:18 312:3	118:5 120:3	189:19 237:1	17:8 46:7,9

152:12,23 <b>messy</b> 21:24 <b>met</b> 15:22 23:20 25:4,23 26:3,6 26:11,15 28:9 <b>metal</b> 70:5 <b>metals</b> 66:14,17 67:1 92:22 311:19 <b>method</b> 6:21 7:9 7:11 8:13,22 69:22 77:15 79:14,15,18,20 138:1,1,5,24 139:7,18,22,24 141:6 151:1 154:22,23 155:1,5,7 156:5,8 157:19 159:6 162:5,12 163:1 164:11 177:18 178:8 179:1,5,6,15 179:19 180:6 252:10 259:24 260:17 275:7,7 275:9 284:15 <b>methodology</b> 139:6 257:11 <b>methods</b> 69:3,6 69:7,10 137:21 138:9 157:21 158:3 177:11 240:21 250:16 268:8 269:21 275:19 277:5 277:13 283:19 <b>mic</b> 75:23 <b>Michael</b> 288:22 289:14 <b>Michelle</b> 1:17 2:8 12:20 261:24 335:12 <b>microbiological</b> 92:7 311:15 <b>microbiology</b> 93:3	<b>microscope</b> 79:18 140:10 <b>microscopy</b> 39:2 40:2 139:23 140:2 155:6 156:13 302:21 <b>mid-'90s</b> 178:19 <b>middle</b> 315:19 316:15,17 <b>mill</b> 210:3 280:7 <b>milled</b> 57:14 87:12,14,17 112:8 113:2 129:8 133:7 276:22 277:2 315:11,17,22 316:4 317:11 317:13 319:15 319:16,20 <b>milling</b> 87:6,7 90:10,14 91:13 119:11,17 133:1 232:15 278:2 315:20 317:6 <b>million</b> 65:6 78:6,13,17,23 79:2,5 144:9 148:22 160:11 160:14 173:21 174:5,16,18,19 175:4 178:3,12 181:3 182:5 184:23 185:16 188:8 189:1 190:5,6,11 191:3,20 231:7 231:17 <b>mine</b> 7:13 57:17 58:10,22 59:1 81:23 82:3,7 82:10 142:14 173:22 188:14 188:19 192:24 193:3,15,17,21 194:1,7,18,22 195:7,8,15,17	195:19 196:2 198:7,8,12 199:22 200:2 202:1 212:12 212:16,17 215:3,3,5 216:7,10,12,18 216:20,24 218:5 219:10 219:13,22 220:6 224:10 224:15,17,20 227:24 233:6 234:15 235:3,9 236:2,15 237:15 238:2,4 241:1 242:16 242:20 243:17 244:4,5 266:24 270:16 271:16 273:21 321:9 <b>mine-to-bottle</b> 198:20,24 199:3,10 <b>mined</b> 57:16 72:19 184:20 193:24 199:20 224:10 234:18 234:19 270:11 272:18 <b>mineralogist</b> 38:15 <b>minerals</b> 6:15 156:9,22 159:8 162:18 214:19 302:10 <b>mines</b> 58:1,17 58:20,21 68:2 188:19 189:5 189:11 192:20 220:8 233:2 <b>mining</b> 82:6,14 82:21 83:15 201:19 265:17 266:3 268:1 272:7 278:2 <b>minor</b> 207:6	290:8 292:2 <b>minute</b> 264:13 <b>minutes</b> 15:23 103:5 264:19 264:21 265:11 <b>miscommunic...</b> 286:22 287:22 <b>misheard</b> 149:24 <b>Missouri</b> 84:19 85:22,24 92:1 <b>misspoke</b> 91:7 <b>misstate</b> 106:8 <b>Misstates</b> 102:21 106:5 106:13 <b>mitigation</b> 174:6 <b>mm-hmm</b> 192:21 195:18 213:3 <b>moderate</b> 206:13 290:13 <b>modified</b> 13:7 14:16 189:22 <b>modify</b> 318:3 <b>molecular</b> 237:1 <b>moment</b> 35:17 204:18 314:24 324:18 <b>monitoring</b> 288:9 <b>Montgomery</b> 2:4 <b>month</b> 61:6 63:10 <b>monthly</b> 60:14 60:24 63:11 <b>morning</b> 12:3 15:21 134:8 184:16 <b>Morristown</b> 3:19 <b>Mount</b> 3:18 <b>move</b> 73:7 114:17 115:5 115:13,24 119:3 225:19	263:14 264:9 274:15 <b>moved</b> 240:6 <b>movement</b> 315:23 <b>moving</b> 14:3 274:10 295:20 310:17 <b>mparf@aol.co...</b> 2:10 <b>Msilver@cou...</b> 3:20 <b>mulling</b> 279:19 <b>multi-page</b> 217:14 <b>multifaceted</b> 220:18 <b>multiple</b> 24:19 24:19 29:4 60:19 61:6 63:9,17 74:7 106:19 164:16 188:23 227:23 303:6 305:13 306:23 324:8 <b>multitude</b> 146:22 <b>multivitamin</b> 184:17 <hr/> <b>N</b> <b>N</b> 4:3 5:2 117:9 117:9,9 <b>N-A-L-T</b> 331:19 <b>NALT</b> 331:19 <b>name</b> 12:4 41:5 80:14 81:14 88:5 143:9 161:9 198:11 227:2,11 232:15 233:16 263:5 320:14 331:3 <b>named</b> 266:12 <b>names</b> 21:8 41:16 57:5 81:10 171:20
--	---	--	---	--

172:3	100:4,12	331:22 332:2	<b>NS</b> 9:22 10:6	14:2,8 15:20
<b>narrow</b> 139:10	104:21 114:15	333:8	<b>number</b> 16:1,5	15:22 20:3,15
<b>National</b> 256:5	133:14,20,21	<b>Notary</b> 1:19	23:21 24:19,21	20:22 22:6,10
<b>native</b> 142:21	174:7 211:13	335:14 338:23	25:4 26:6,8	24:6,15 27:4,6
<b>natural</b> 66:22	254:5 257:1,10	<b>note</b> 13:22 14:9	28:7 30:19	28:19 29:23
<b>nature</b> 222:2	257:11,24	175:4 225:6	53:19 54:6	30:17 31:21
285:10	259:24 260:16	262:22 314:5	57:20,24 58:3	32:24 33:9,11
<b>nearly</b> 252:16	328:8,17	<b>notebook</b> 109:2	68:10 74:6,16	44:15 45:7
<b>necessarily</b>	<b>news</b> 329:6	109:10,15	74:21 75:3,11	46:8,18 47:19
121:18 181:23	<b>NGOs</b> 149:6	117:16,20,24	75:13,14,18	48:7,16 49:6
239:8 299:17	<b>Nicholson</b> 32:6	118:3,9 131:11	76:6 83:7	49:20 50:4,18
320:4,6	32:7,9,13	134:6,10	95:12 104:2	51:12,23 52:13
<b>necessary</b>	33:24 36:1	137:15 180:20	106:16 112:6	52:21 53:6,16
206:18 283:6	40:19	190:19	113:5 118:15	53:21 54:13
290:20 311:2	<b>nickel</b> 47:20	<b>noted</b> 12:17	121:8 126:6	60:6,9,11,22
336:4	49:22 50:8,22	336:11 338:11	131:22 132:11	61:4 62:7 63:1
<b>need</b> 38:3	70:18 79:4	<b>NOTES</b> 339:1	142:1,2,3,15	63:5,15 65:22
105:13 122:19	92:16 98:3	<b>notice</b> 1:15 5:14	142:16,17	66:7,13 67:5
123:4 146:22	<b>night</b> 329:7	5:16 13:15	143:2 148:7	67:13 68:24
157:14 158:9	<b>nine</b> 26:10	16:6 22:19,22	155:18 160:12	71:2,10 72:1
159:18 163:20	<b>NJ</b> 3:19	52:23 181:12	167:1,2 177:12	72:10 73:3,6
164:8 166:10	<b>NMT</b> 78:8	222:5,10	178:10 180:21	73:10,18 74:11
166:12 217:10	<b>non-asbestos</b>	223:15 226:5	182:7 191:24	74:23 75:8
220:17 265:14	302:19	226:17 227:8	194:15 196:1	76:4 78:2 86:4
274:15 275:13	<b>noncompliance</b>	231:10,24	206:11 213:15	86:15 89:6
297:14	206:12 282:20	232:13 234:9	214:1 230:19	90:7 92:8
<b>needed</b> 36:23	290:12,24	234:24 235:12	284:4 301:21	93:15 94:16
185:8 309:2	<b>nonconforma...</b>	235:22 236:6	302:6,7,9	95:6 96:12
311:5 326:6	206:12 282:20	236:20 237:20	316:11 319:6	97:17 98:11,15
328:13 330:11	290:12	239:5,15	320:13,19	100:3,9,11,23
<b>needs</b> 74:10	<b>nondetectable</b>	240:13 241:8	322:14 324:13	101:11 102:14
186:23 297:11	144:22	242:3,23	329:8 330:21	103:1,23
<b>negative</b> 144:17	<b>nondetected</b>	243:23 245:10	330:24	104:20 105:17
145:14 258:1	175:14 176:16	246:18 247:9	<b>numbered</b> 96:18	106:6,9,21
286:12 290:7	<b>nonresponsive</b>	249:1 256:20	<b>numbers</b> 18:15	107:13 108:9
292:14	115:6,18 116:4	257:8,16 258:4	57:6 60:4	108:17 109:1,7
<b>neighborhood</b>	<b>noon</b> 117:1	264:1	132:2,6 143:3	109:13 110:14
26:17 63:7	<b>normal</b> 77:20	<b>notices</b> 13:6	143:12 229:17	110:23 111:18
<b>neither</b> 252:7	87:1 97:3	15:2 16:2	262:5	112:10 113:3
<b>network</b> 229:7	178:12 237:2	<b>notification</b>	<b>numerals</b> 18:15	113:12,20
<b>never</b> 38:21,24	281:10 307:10	291:2	<b>numerical</b> 68:14	114:17,19
39:4 150:11,14	<b>normally</b> 120:1	<b>notified</b> 13:23	<b>numerous</b> 245:4	115:5,12 116:2
176:14 197:6	122:7,8	253:15	329:12	116:18 117:13
<b>new</b> 1:2,17 2:14	<b>North</b> 36:13,16	<b>Nova</b> 320:11,16	<b>O</b>	117:18,21
2:19 3:4,4,9	97:11 241:3	<b>November</b>	<b>O</b> 117:9,9,9	118:16,18
4:4 8:13 12:10	242:17 312:13	267:10 275:2	<b>O'Dell</b> 2:3 5:5	120:22 121:19
12:13 74:13,17	324:2,21	276:13		122:11,21

124:12,21	214:4,9,14,16	291:21 292:13	61:1 62:4,18	206:23 207:10
126:13 127:5	215:24 217:2	293:1,8,21	63:4,13 65:12	207:19 208:19
128:19 129:22	217:17 218:2,3	294:23 295:4	66:1,11,18	209:4,16 210:7
130:18 131:9	218:12,20	295:24 296:6	67:9 68:18	218:8 219:24
131:13,15,24	220:19 221:4	298:10 299:8	70:21 71:6,19	221:1,11 222:2
132:12 133:18	221:17 222:13	299:21 300:15	72:5,22 74:4	224:4,13 225:4
135:5 136:6,20	222:16 224:5,7	301:1 303:19	74:18 75:16	225:7,16 226:3
136:23 137:1	224:18,23	304:10,18	77:22 86:1,8	226:15 227:6
137:12 138:16	225:6,20 226:9	305:11,18	88:22 90:2	227:18 228:14
140:24 141:13	227:1,12 228:4	306:7,15 307:8	92:3 93:7	229:3 230:4,13
142:18 143:6	228:20 229:8	308:8 309:12	94:11 95:2	231:1,8,9,18
143:13,15	230:5,17 231:4	309:20 310:12	97:14 98:5,13	231:21,22
144:24 145:4,9	231:13,19	310:13 312:6	99:24 100:7,16	232:11,12
145:20 146:7	232:4,18	313:21 314:7,8	101:6 102:9,20	234:7,8,22,23
146:12,24	234:10 235:5	314:21 316:9	103:11 104:12	235:10,11,20
147:14 149:11	235:13,23	318:14 319:2,3	105:9 106:4,12	235:21 236:4,5
149:23 151:15	236:9 237:10	320:1 322:2,7	108:14 111:24	236:18,19
152:3,13,17,21	238:1,18 239:9	322:13,24	112:17 113:10	237:18,19
153:10,23	239:21 240:22	323:14 325:17	113:15 114:7	238:6 239:2,3
154:5,21	241:13,19	326:8,15,21	120:16 121:15	239:13,14
155:16,21	242:7 243:13	327:1,3 328:5	122:4,14 124:8	240:11,12
156:3,14	244:7 245:14	329:11 330:1	124:17 126:8	241:6,7,18
158:12 159:5	246:7 247:2,22	330:19 331:24	127:4,8 128:13	242:1,2,21,22
159:24 162:1	248:18 249:19	332:18 333:5	129:20 130:12	243:21,22
163:16 164:12	250:4,23	333:19	131:6 133:17	245:8,9 246:4
165:4,24 167:7	251:14 252:4	<b>object</b> 13:14,18	135:22 140:23	246:16 247:8
167:18 168:12	252:21 253:7	22:3,7 107:5	144:19 145:3,8	248:6,7,24
168:21 171:4	253:23 254:17	110:16 116:3	145:17 146:2	249:24 250:11
174:13 175:2	255:1,12,16	136:15 156:10	146:10,16	251:5,18
177:17 179:4	256:3,21 257:9	165:8 181:8	147:8 149:9,13	252:12 253:5
180:5 182:4	257:21 258:5	187:22 203:10	151:6,20 152:6	253:11 254:8,9
183:9,24	258:15 259:13	205:21 207:8	152:20 153:3	255:9,10,15,22
184:18 185:4	261:1,8,24	215:8 218:16	153:21 154:3	255:23 256:18
186:5,13 187:6	262:6 263:16	222:6 226:4	154:13 155:12	256:20 257:6
187:9,24	264:8,19 265:9	314:5	157:24 158:19	257:14 258:2
188:17 190:2	266:1,10,20,23	<b>objecting</b>	159:12 163:15	258:10 259:4
190:15,17	267:2,8 268:19	153:13	163:18 164:18	260:18 261:2
191:10,14,16	269:2 270:10	<b>objection</b> 27:2	166:22 167:13	261:13,14
192:1,3 194:13	270:14 271:7	28:18 29:15	167:23 170:17	262:23 265:20
196:17 202:18	272:15 274:3,9	30:4 31:19	174:10,22	266:7 268:15
203:12 205:11	274:11,20,23	32:18 44:8,23	178:14 182:23	269:1 270:6,20
206:1 207:2,13	275:23 276:5	45:9,18 46:11	183:15 184:8	272:3 273:18
207:21 208:22	278:19 280:6	47:13,24 48:11	184:24 185:19	275:20 277:15
209:11 210:4	281:2 284:3,12	48:22 49:12,23	186:9 188:10	277:16 279:14
210:11 211:22	285:9,19 286:9	50:10,24 51:17	189:16 190:12	280:19 283:20
212:24 213:3	287:23 288:14	52:5,18 53:5	190:13 194:4	284:9,19
213:11,17,21	289:19 291:13	53:10 60:16	196:9 205:9	285:15 286:6

287:17 288:5	<b>occurred</b> 25:10	<b>ones</b> 88:19	163:12 189:12	<b>originates</b> 233:6
289:11 291:5	25:19 26:15,21	269:22 320:5	<b>ordered</b> 197:9	<b>Orrick</b> 3:2
292:7,17 293:4	92:11 104:24	324:10	197:17	23:20 31:14
294:18 298:9	193:11	<b>ongoing</b> 42:20	<b>ore</b> 58:2 67:16	<b>OSS</b> 186:8,14,19
299:3,15 300:7	<b>occurring</b> 84:16	74:9	67:21,23 68:1	186:24 187:2
300:18 303:10	<b>ocean</b> 42:8,8,10	<b>OOS</b> 187:2,10	68:1,4,5,7,12	<b>ostensively</b>
303:10,22	42:19	187:16	81:21,22 82:2	255:3
305:7,15 306:1	<b>OceanX</b> 41:19	<b>open</b> 195:17	82:7 83:10	<b>outcome</b> 126:19
306:12 307:1	42:10	308:10,19	85:2,4 87:8,17	300:22
308:5 309:5,16	<b>offered</b> 15:4	<b>opened</b> 301:17	91:12 98:10	<b>outcry</b> 253:14
319:11 322:19	<b>offering</b> 20:4,7	<b>operated</b> 212:8	99:22 101:3,21	<b>outline</b> 77:15
322:20 323:1	<b>offhand</b> 54:8	<b>operates</b> 197:19	102:7 103:9,9	245:24
325:6 326:1	<b>office</b> 307:22	<b>operating</b> 87:1	103:17 105:8	<b>outlined</b> 272:21
327:17 328:21	<b>officer</b> 221:23	120:20,23	107:3 110:10	275:14,19
329:16 330:7	<b>offices</b> 1:16	121:2,7,8,17	111:8,12,16,22	316:14
331:20 332:13	<b>official</b> 245:20	123:22 124:4	112:5,9,24	<b>output</b> 195:1,20
332:22	<b>officials</b> 147:10	124:15 125:1,1	113:9 114:5	246:11 252:2
<b>objections</b> 13:17	<b>offloading</b> 208:3	127:1 130:9,23	121:24 129:8	<b>outs</b> 326:6
115:10 116:14	<b>Oh</b> 274:21	218:6,14 330:3	133:7,9,10	<b>outside</b> 44:9,13
295:15	<b>okay</b> 17:19	330:21	144:17 174:7,8	44:22,24 45:19
<b>observation</b>	21:18 22:18	<b>operation</b> 36:17	185:14 188:7	45:22 47:14,24
206:9,15 282:5	23:12 24:13	198:9 278:2	196:20,24	48:23 49:3,24
282:12,17	27:21 42:12	297:12	197:1,5,16,24	65:13 66:2
283:2,8,18,23	62:12 63:8	<b>operational</b>	198:1,1 207:18	71:5 93:13
285:11,13	71:15 73:4	131:2	208:1,10,16	150:7,13
286:4,20	77:2 97:22	<b>opinion</b> 210:9	209:14 210:2	151:21 170:18
287:10,14	99:15,18	223:10	220:23 237:24	172:18 181:9
290:1,5,11,17	108:24 110:19	<b>opinions</b> 209:9	272:11,13,17	182:24 196:10
297:2,7,8	117:22 119:24	<b>opportunities</b>	272:18 273:2,2	221:12 222:9
299:20 300:21	132:9,17	219:3	273:9,10	223:15 226:4
301:3 306:4	139:13 143:13	<b>opportunity</b>	276:22 277:3	226:16 227:7
<b>observations</b>	143:19 179:9	16:11 335:9	279:13 316:2,4	246:5,17 247:9
290:8,9 292:2	186:14 190:8	<b>optical</b> 139:22	317:3,9 319:19	248:8,11 249:1
292:3 296:24	192:11,12	<b>optimal</b> 284:16	319:19	250:1,12 251:6
298:3	199:14 222:15	<b>option</b> 79:13	<b>Organization</b>	251:19,21
<b>obsolete</b> 55:19	229:15 240:3	176:14 323:6	47:10,22 49:8	252:13 253:6
74:13	258:16 264:11	<b>options</b> 175:17	<b>organizations</b>	253:12 254:9
<b>obtained</b> 154:1	266:2 275:24	<b>oral</b> 176:18	186:11	255:10,24
254:13 315:15	287:5 314:7,13	<b>oranges</b> 168:10	<b>orientation</b>	257:7,15 258:3
<b>obviously</b> 75:1	321:7 324:4,16	<b>Orden</b> 198:11	248:12	260:19,23
236:13 263:5	330:2 333:19	308:17,24	<b>original</b> 99:1	261:15,17
<b>occasion</b> 124:24	<b>old</b> 214:13	<b>order</b> 13:22	149:16 216:24	268:16,17
<b>occasions</b>	<b>older</b> 99:3	14:15 42:16,17	255:7 287:20	270:7 280:14
210:20	<b>once</b> 32:16	64:22 115:9,21	297:20 336:15	326:3 328:22
<b>occur</b> 25:9 26:19	126:15,15	116:12 126:22	<b>originally</b> 254:1	328:23 329:17
92:14 129:3	285:24	157:3 158:10	<b>originated</b>	329:19
193:10	<b>onerous</b> 116:16	159:14,19	192:18	<b>ovarian</b> 325:4

325:24 327:8 328:7,19 329:14 <b>overall</b> 251:24 252:6 271:15 294:11 296:10 332:9 <b>overhaul</b> 104:22 <b>overlap</b> 14:4 <b>overlooked</b> 293:3 323:16 <b>Overly</b> 53:11 196:10 <b>oversight</b> 47:3 128:7 194:7 <b>overview</b> 6:17 141:15 195:7 <b>owned</b> 212:7 <b>owner</b> 80:21	207:4,14 212:11,24 213:20 214:11 214:23,24 216:8 229:10 229:12,17 232:6 233:9,21 233:23 234:3 235:17 245:15 256:5 277:1 282:4 283:12 294:4,5 296:23 301:6 304:23 304:24 318:12 318:13,18,19 318:22 320:9 320:23,23 321:4,5 337:4 339:2 <b>pages</b> 143:2 321:2 338:6 <b>paid</b> 26:24 27:7 27:21 28:17 29:8,10,14,21 29:24 30:3,5 <b>pale</b> 142:17 <b>paper</b> 249:22 250:5 263:9 <b>papers</b> 40:13 <b>paragraph</b> 57:21,23,23 70:10 111:6 113:6,23 114:3 114:21 156:16 160:16 163:1 166:20 <b>paragraphs</b> 18:16 <b>parameters</b> 137:4 297:18 297:21 298:1 298:24 300:5 <b>parens</b> 162:16 <b>Parfitt</b> 2:8 115:22 <b>Park</b> 3:9 <b>part</b> 52:23 59:8	69:14 79:2 81:1 95:21 124:22 125:9 128:24 131:1 148:18 149:3 154:6,16 184:17 187:18 198:8,9 209:7 209:24 219:23 222:23 271:14 281:23 282:11 313:4 320:8 332:12,16,21 <b>participate</b> 126:21 333:7 <b>participated</b> 248:19 249:20 <b>participation</b> 31:23 32:14 35:21 <b>particle</b> 64:14 92:6 93:2 <b>particles</b> 303:7 305:14 306:23 <b>particular</b> 19:17 20:6 24:10 29:22 30:8 57:8 74:6 77:16 90:6 95:12 103:9,24 105:15 111:20 111:21 114:14 119:10 130:4 157:5,19 178:21 205:4 259:20 305:24 306:10 316:4 320:8 327:13 <b>particularly</b> 299:18 <b>particulate</b> 303:7 <b>parties</b> 128:4 295:11 <b>partners</b> 194:6 <b>parts</b> 65:6 78:5 78:12,17,23	79:5 144:9 148:21 160:10 160:14 173:21 174:4,15,18,19 175:4 178:3,12 181:3 182:5 184:23 185:15 188:8 189:1 190:5,5,10 191:3,20 231:7 231:17 <b>party</b> 84:1 93:6 <b>pass</b> 30:18 326:19 <b>passed</b> 325:23 <b>passing</b> 257:12 <b>pattern</b> 181:24 <b>PC</b> 2:12 4:2 <b>PCPC</b> 4:5 248:15 <b>PCPC_MDL0...</b> 6:16 <b>PDF</b> 143:8 <b>peer</b> 128:16 <b>peers</b> 36:22 <b>Pennsylvania</b> 71:24 <b>people</b> 243:10 245:24 285:1 327:19 <b>percent</b> 140:19 140:22 141:3 143:24 144:5,7 144:12,14 148:4,15,15 230:20,22 231:5,16 232:2 <b>percentage</b> 158:7 159:16 160:10,11 165:22 <b>perfectly</b> 291:19 <b>perform</b> 88:10 89:9 92:2 247:5 294:12 296:11 311:10 316:20	<b>performance</b> 202:10 282:23 290:15 297:9 <b>performed</b> 33:23 64:5 67:20 82:18 87:17 90:10,22 92:5,17,23 93:4,11 98:23 126:1 162:19 203:15 248:22 271:12 281:17 292:16 298:16 298:19 299:14 299:23 307:20 316:13,23 317:1,5 319:9 320:3,6 322:16 <b>performing</b> 267:16,18 268:21 270:24 <b>period</b> 25:9,11 37:14,16,19 56:23 57:8 58:19,24 74:14 89:4 99:4 101:5 104:10 104:19 106:3 106:18 108:1 108:21 121:1 125:18,22 126:4 127:24 138:7 151:8,9 172:21 179:7 179:20 184:21 192:17 199:16 200:23 210:24 219:11 238:10 254:3 313:13 330:5 <b>periodically</b> 95:11 <b>permissible</b> 295:7 <b>permits</b> 148:23 <b>permitted</b> 14:17 <b>person</b> 46:20
--	---	--	---	--

85:10 91:4	130:24 200:11	110:12,16	<b>position</b> 36:8	37:3,9 38:21
111:2 161:17	276:9 277:3,11	122:16 127:7	169:9 223:20	39:1,5,12,22
198:10 215:15	310:15,19	136:20 137:2	225:11 249:22	40:14 43:2,7
246:10 266:12	311:10 318:8	191:24 194:16	250:5	43:13,21 44:3
301:22	<b>Pharmaceutical</b>	274:19 289:4	<b>positions</b> 172:3	45:13 47:1
<b>personal</b> 35:11	8:14 84:2	336:3,8	172:5,11	50:8 51:16
44:11 45:6	250:18	<b>PLM</b> 140:2,10	<b>positive</b> 171:8	52:2,17 53:9
46:4,12 47:16	<b>Pharmacopeia</b>	144:3,3 148:3	221:20 222:21	55:8 58:15
48:2 49:1,14	65:21 67:4	148:15 251:4	224:9 225:23	59:4 60:15
50:1,11 51:1	<b>phone</b> 32:1 36:4	302:1	228:12,24	71:18 72:4,20
62:20 65:14	309:22	<b>plus</b> 36:14	234:5,19	76:23 77:5
66:3,20 67:11	<b>physical</b> 311:12	<b>point</b> 14:18	236:16 242:15	84:6 85:16
151:22 152:7	<b>pick</b> 117:3	29:18 30:13	243:17 244:16	87:12,15 92:2
152:16 153:4	<b>picture</b> 196:15	37:20 42:5,7	246:14 253:10	92:18 94:19
153:14 170:22	<b>piece</b> 263:9	42:22 55:18	254:2 255:8,20	96:17 97:12
181:13 183:3	<b>Pier</b> 161:9,16	56:3 59:15	292:6,9 306:22	102:17 104:9
183:17 221:14	162:4,24 259:2	62:9 65:18	309:2,4 310:4	118:20 120:11
221:19 222:7	<b>Pisano</b> 13:8	71:13 73:23	<b>possibility</b>	124:6 128:10
223:9,9 248:1	295:11 303:17	80:13 86:18	145:19 146:6	147:22,23
252:24	<b>Pisano's</b> 14:15	98:8 120:5	220:7	154:9 160:21
<b>personally</b>	<b>pit</b> 195:17	125:23 129:17	<b>possible</b> 57:4	166:4 170:11
23:10 96:4	<b>pitfalls</b> 249:8	169:10 170:2	187:21 202:12	170:15 171:10
130:20 202:4,6	<b>place</b> 42:15 44:1	189:6 193:12	258:24 297:16	172:7 178:2
202:13 218:11	46:23 115:4	204:13 248:15	<b>possibly</b> 277:22	188:20 192:16
218:19	171:7 203:19	263:15 295:5	<b>post</b> 13:9,10,11	193:21 195:16
<b>perspective</b>	211:1 258:9	295:17 302:15	13:12 87:6,7	196:7 221:9
60:19 81:9	259:22 280:18	302:22 313:1	90:10,14 91:13	222:19 223:21
141:6 152:11	281:13 308:1	313:14 314:17	119:11,17	224:1,11
197:2 200:18	<b>placed</b> 92:18	315:7 318:10	133:1 194:17	225:24,24
226:22 261:21	<b>PLACITELLA</b>	321:3	<b>post-milling</b>	230:21 231:15
265:23 271:16	2:12,13	<b>pointed</b> 197:22	91:22	232:20 233:5,5
<b>persuaded</b>	<b>plaintiff's</b> 13:24	<b>polarized</b> 39:1	<b>postgraduate</b>	234:20 236:16
251:2	177:12	140:1,9 302:21	38:9	237:16 241:3
<b>pertaining</b>	<b>plaintiffs</b> 13:7	<b>policy</b> 43:12	<b>potential</b> 152:1	243:19 245:5
35:21	26:3	126:17 160:20	170:24 220:4	253:4,24
<b>pertinent</b> 35:11	<b>plaintiffs'</b> 2:20	166:3 308:24	267:16 269:6	255:21 256:16
<b>ph</b> 1:23	14:10	310:2,7 328:9	278:7 329:24	268:22 270:12
<b>Pharma</b> 85:18	<b>plan</b> 171:7 173:9	328:10,16	<b>potentially</b>	270:19 277:12
85:23,23 86:6	174:6	330:11,20,24	278:15 320:11	280:8,16
86:21,22 91:15	<b>planned</b> 42:7	331:3,4,7	<b>pounds</b> 61:20	302:24 307:21
91:24 92:2,11	<b>plant</b> 83:20 85:3	<b>populated</b>	62:14,17 63:8	308:3 310:5
92:14,17,23	99:9 199:5	270:16	<b>powder</b> 1:5 6:7	314:11 321:16
93:3,4,11	208:24,24	<b>port</b> 200:4,5,6,7	6:10 8:9 10:9	322:16,18,22
94:21 99:8	209:3 210:21	208:2	10:12 18:19	324:1 325:5,23
123:23 124:4	<b>plasma</b> 179:15	<b>portion</b> 303:21	19:1,7,14,21	327:10
124:16 125:2	<b>please</b> 22:5	317:4	22:12,14,15	<b>powdered</b> 156:9
125:19 130:10	96:15 100:10	<b>portions</b> 303:11	28:2,12 34:9	162:17

<b>powders</b> 6:19 9:18 141:16 312:9,19,20	<b>prescribed</b> 140:3 179:6	<b>primarily</b> 36:16 41:24 80:8 219:1	19:12,21 20:10 46:23 124:5,15 125:2 130:10 135:20 297:12	208:11 223:6 237:4,8 282:23 290:14 302:7 315:21 319:15 319:16
<b>PowerPoint</b> 141:14 142:7 142:11,21 173:6,10 176:18 240:1 240:24 255:2 261:10,11	<b>presence</b> 138:2 164:16 258:20 301:9,18	<b>primary</b> 58:21 80:4,21 147:12 246:21	<b>proceed</b> 14:7	<b>production</b> 11:8 19:1 72:9,12 90:24 91:1 205:8,18 207:16,17,18 208:14,17 209:15 217:4 220:12 278:13
<b>PPM</b> 148:21 179:16 192:7,9 232:3	<b>present</b> 26:2 34:15 43:6 94:5 118:6 144:15 145:2 165:7,12 167:11,21 176:17,22 237:14 291:17 305:6	<b>Princeton</b> 1:17 12:10	<b>process</b> 68:17 81:10 87:13 94:21 95:1 125:9 128:5 171:15 179:2 198:20,24 199:3,10 200:17,22 201:5 202:9,12 205:7 209:15 216:21 250:21 278:7 280:8 282:12 313:15 314:17 315:8 315:16 319:10	<b>products</b> 1:5,6 13:13 18:20 19:2,8,14 22:12,14 28:12 36:18,21 37:1 37:10 41:21 42:1 43:2,7,13 43:21 44:3 45:13 47:1 50:9 51:16 52:3 53:9 55:9 59:4 60:15 71:18 72:4,20 76:24 104:9 124:7 128:2,8 128:8 147:23 160:21 166:4 170:16 196:7 204:14,15 223:21 224:2 226:23 229:21 234:16 248:1 253:1 280:16 281:6
<b>PQ</b> 297:11	<b>presentation</b> 141:22 176:18 195:1 237:12 237:13 238:22 238:23 240:1 255:18 259:1 259:20	<b>prior</b> 16:12 20:19 72:15 76:15,16 100:22 101:3 102:24 105:23 106:23,24 119:16 122:20 123:4 126:19 133:24 135:21 151:2,7 193:14 208:3 215:17 306:18,24 317:5	<b>processed</b> 33:22	
<b>practice</b> 87:2 115:3 130:15 133:22 197:20 287:19	<b>presentations</b> 259:7	<b>prior</b> 16:12 20:19 72:15 76:15,16 100:22 101:3 102:24 105:23 106:23,24 119:16 122:20 123:4 126:19 133:24 135:21 151:2,7 193:14 208:3 215:17 306:18,24 317:5	<b>processes</b> 44:1 69:17	
<b>practices</b> 1:6 43:20 173:23 187:19 289:23 306:5	<b>presented</b> 239:1 239:18 240:5 249:23 261:23	<b>privately</b> 31:16	<b>processing</b> 58:3 208:24	
<b>pre-inspection</b> 208:3	<b>presents</b> 282:22	<b>privilege</b> 33:2 108:7 137:5,10	<b>procurement</b> 172:15 219:1 277:21	
<b>preamble</b> 327:18	<b>preserve</b> 13:16	<b>privileged</b> 32:20 33:7 135:1	<b>procuring</b> 83:9	
<b>predecessor</b> 21:21 203:8	<b>president</b> 333:3 333:4,6	<b>privileged</b> 32:20 33:7 135:1	<b>produce</b> 127:1 127:11	
<b>prefaced</b> 323:10	<b>presidential</b> 172:14 332:6 332:20 333:2	<b>probably</b> 37:6 53:14 104:15 215:19 241:11 278:24 320:23	<b>produced</b> 13:5 54:19 55:2 142:20 143:7 185:6 217:8 237:11 264:5 318:19,21 321:2,4 322:8	
<b>preference</b> 223:9	<b>presidents</b> 332:12,16	<b>problem</b> 186:21 240:8	<b>product</b> 59:12 67:7 84:13,21 90:11 91:1,23 94:20 119:12 119:14,15,21 121:13 123:6 129:19 160:13 164:7 165:23 204:6 206:14	<b>professional</b> 1:18 46:15,20 153:15 154:1 183:10 221:22 335:13
<b>preparation</b> 23:9,13 26:13 28:1 31:23 34:16 95:22 108:12 135:7 135:13 201:10 283:15 293:14	<b>pretty</b> 104:17	<b>procedure</b> 120:21,24 121:3,7,9 123:22 127:1 127:11 130:24 139:6 218:6,14 251:10,11,16 307:11 308:1 330:3,21		<b>professionals</b> 50:16
<b>prepare</b> 23:18 24:24 34:21 40:20	<b>prevent</b> 46:24	<b>procedures</b>		<b>programmed</b> 299:11 300:5
<b>prepared</b> 20:13 117:24 194:19 211:9 261:11 279:18 315:22	<b>prevents</b> 115:15			<b>prohibited</b>
<b>preparing</b> 53:17	<b>previously</b> 16:13 28:9 88:20 91:8 101:13 102:16 137:15 192:6 196:19 253:10 270:7 317:19			
<b>prepped</b> 301:22	<b>prickly</b> 230:21 231:15 256:16			

115:8	23:4 31:2	222:18	111:1 216:19	129:23 131:4
<b>project</b> 8:18	68:16,21 83:1	<b>purpose</b> 20:8,21	238:13 253:21	<b>quarantined</b>
171:19 218:23	86:24 90:15,19	64:2 67:15	310:20,22,24	119:16 120:6
218:24 219:1,7	110:6 134:10	70:1 156:7	311:16	122:1 123:7
219:8,15	157:8 204:24	162:8 246:12	<b>quality</b> 13:10	133:9
267:13,14	215:6 216:3,11	291:11 294:6	19:11,20 20:9	<b>quarantining</b>
277:20,21	216:21 217:1,6	294:16 295:2	20:14 36:10,17	119:20 120:2
278:14,18	217:21,22	296:4,8,14	41:2,7,8 44:16	121:13 129:8
289:17 307:5	218:15 235:4	312:15 328:6	46:19,22 72:17	<b>quarreling</b>
<b>projects</b> 72:15	247:6 249:4	<b>purposes</b> 59:2	81:9 85:14	142:24
<b>pronounce</b> 58:4	272:19 273:13	72:19 94:10,19	86:19 96:22	<b>quarry</b> 58:8,9
<b>proofreading</b>	277:3,11	134:17 155:10	124:23 127:16	58:10,11
302:13	306:11 307:11	171:16 182:20	127:19 128:1,3	<b>quarterly</b> 93:21
<b>propensities</b>	321:11 324:13	244:16 260:16	128:17 130:3	94:1,8 99:22
50:21	<b>provides</b> 64:4	288:3,8 318:6	141:21 154:7	101:21 102:7
<b>proper</b> 89:12	140:12 156:16	<b>pursuant</b> 1:15	170:7 172:15	105:8,8 107:3
158:10 253:22	232:16,19	13:5,21 14:14	179:21 182:12	112:14 113:8
303:14 306:18	236:15	181:11	185:18 186:18	114:5 279:7
<b>properly</b> 240:19	<b>providing</b> 35:12	<b>pushing</b> 253:17	193:8 194:20	307:18,20
<b>properties</b> 77:10	271:2,3 273:21	<b>put</b> 18:13 20:5	203:19,20	325:13
88:17 123:1	<b>Province</b> 58:12	30:22 68:4	204:2,6 206:14	<b>question</b> 17:24
<b>property</b> 77:21	<b>PSC</b> 14:20	73:4 87:21	206:17 211:11	18:1,4 21:10
<b>proposal</b> 147:17	<b>PTI</b> 61:7 85:18	123:8,14,17	216:11,19	22:4 23:17
147:21 148:2	91:9 121:2,7	130:16 171:7	221:23 281:20	29:11 45:6
148:19 173:13	121:17 124:10	171:14 175:21	281:22 282:3	46:4 47:5 48:6
175:20,21	124:11 125:14	176:8 180:16	283:5 288:23	53:2 55:22
176:2,6	126:3,22	192:14 199:21	290:19 307:12	57:9 62:13
<b>propounded</b>	127:15 128:9	215:13 217:10	312:13 324:20	75:10 89:18
338:9	128:24 199:5	218:21 238:9	324:22 327:23	100:10 102:23
<b>protected</b> 33:1	200:12,13,14	275:24 277:18	332:8	102:24 106:7
<b>protective</b> 13:22	267:17 279:22	280:12 303:21	<b>quantifiable</b>	108:18 110:18
<b>protocol</b> 115:14	315:12 319:17	<b>puts</b> 170:14	156:17,23	112:20 113:22
140:11 158:16	<b>public</b> 1:19	<b>putting</b> 263:8	157:4,9 158:17	115:17 120:7
250:7 251:24	328:3 329:5	278:6	159:9 160:3,5	122:12 124:13
253:2	335:14 338:23		163:2,6,13	126:12 137:2
<b>protocols</b> 18:23	<b>publicity</b> 329:5	<b>Q</b>	164:14 165:3	137:16 139:10
45:11 169:6	<b>published</b> 40:12	<b>QA</b> 281:20	166:11,20,24	145:12,13
248:3 261:4	51:8	<b>QC</b> 275:11	168:7	146:8 149:16
262:14	<b>pull</b> 285:4	281:18	<b>quantification</b>	167:16 196:24
<b>provide</b> 28:16	<b>pulled</b> 68:2	<b>QTI</b> 203:16	156:8	200:19 203:11
28:21 48:14	196:16 244:4	<b>qualification</b>	<b>quantify</b> 159:19	205:22 212:12
58:2 68:13	315:20 317:7,8	212:13,15,17	164:2,5 165:15	216:6,22 218:4
77:19 164:21	<b>pulling</b> 196:3	215:2,4,6	<b>quantity</b> 159:16	222:12 225:14
165:2,20 167:1	<b>purchase</b> 269:7	216:7,10,21	167:1 197:10	225:15 226:18
181:18 220:16	<b>purchased</b> 84:9	218:5 297:9	<b>quarantine</b>	227:9 233:2
232:23 312:18	277:23	<b>qualified</b> 39:8	119:12 120:14	238:24 239:10
<b>provided</b> 22:23	<b>purity</b> 197:12	40:9 89:15	123:14 129:18	240:9,23 241:4

242:12 263:22	63:9,17 68:22	236:3,11,12	125:24 171:22	189:20 190:9
277:24 287:1,6	86:14 199:22	252:7 268:9	188:9,12 189:2	<b>recommended</b>
287:8 292:15	200:3,4,12,13	290:2 291:4,7	189:6 190:7	146:21 190:3
295:18,22	315:24	291:18,22	202:24 210:23	<b>record</b> 12:4,18
296:3 299:10	<b>raise</b> 75:23	298:11 303:20	221:10 226:2,8	13:4,23 14:9
299:13 303:14	264:3	304:1 321:20	228:17 241:9	15:23 18:13
306:3 314:14	<b>ranges</b> 71:9	335:9 336:3	259:1,5 266:8	22:1 29:17
318:2 321:14	<b>Ratcliff</b> 17:4	338:5	280:17,21	36:24 73:13,17
323:10,22	29:19	<b>readable</b> 323:21	312:24 313:8	83:5 96:15
327:18 330:15	<b>rate</b> 27:11	<b>reading</b> 78:6	330:23	116:19 117:5
<b>questionable</b>	<b>rating</b> 282:5,12	122:22 166:17	<b>receipt</b> 99:7	117:12 145:11
251:4	296:16,18,20	178:5 205:20	119:17 121:3	160:14 168:17
<b>questioning</b>	<b>raw</b> 6:6,9,13	212:22 298:14	125:13 318:8	168:20 217:3
223:14	52:7,9,14 54:2	303:11	336:17	225:7 261:7
<b>questionnaire</b>	55:19,23 56:3	<b>reads</b> 267:24	<b>receive</b> 82:13	262:1,18 264:2
7:18 211:6,8	56:8 73:20	284:11	90:9 91:4	264:21 265:5,8
211:10,15	74:17 76:22	<b>ready</b> 278:15	283:23 324:20	267:7 286:4
212:2,5 214:19	77:3 80:2,9,18	<b>real</b> 244:22	325:1,8	303:12 304:11
<b>questions</b> 11:14	95:12 96:1,16	<b>really</b> 26:5	<b>received</b> 67:21	304:14,17,20
18:3,8 20:23	97:7,9 100:6	44:12 51:4,9	85:8 87:8	333:23 335:6
21:13 31:8	101:23 102:17	51:11 125:4	169:16 277:23	<b>records</b> 24:20
36:20 75:5	103:5,13	163:23 178:20	283:17 317:10	64:8 82:10
107:11 115:10	104:23,24	183:20 195:24	327:5 329:13	207:23 208:9
134:7 151:11	105:4 118:4	197:20 200:19	<b>receives</b> 123:19	<b>Red</b> 2:14
177:10 216:4	120:3 121:4	216:6 235:1	<b>receiving</b> 85:12	<b>REES</b> 3:13
223:8 225:1	123:9,20	237:6 238:11	86:18	<b>refer</b> 18:15
248:17 249:14	125:13 131:16	242:6 248:10	<b>recognize</b> 54:15	20:24 21:20,22
249:18 274:13	132:13 193:4	269:24 270:1	76:7	22:11 37:1
295:16 304:3	204:9 207:24	<b>Realtime</b> 1:19	<b>recognized</b>	111:5 147:5
310:14 323:5	208:13 209:1	335:14	250:16	149:17 152:24
338:8	209:14 230:18	<b>reason</b> 56:7,24	<b>recollection</b>	230:15 332:1
<b>quibbling</b> 216:5	232:7 233:11	65:4,8 96:6	25:22 50:3	<b>reference</b> 83:19
<b>quick</b> 73:8	233:24 256:15	104:6,14	93:10 108:5,16	149:21 315:5
<b>quickly</b> 119:4	272:2 284:7	151:16 184:3	134:12,18,22	320:19,24
229:6 286:21	311:2 314:2	243:14 279:4	135:4,12,17,20	<b>referenced</b>
	315:3	321:13 336:5	136:1,16 137:8	136:10 148:12
<b>R</b>	<b>reach</b> 326:6	337:6,8,10,12	137:18 138:18	148:14 218:6
<b>R</b> 2:17 117:9	<b>reaching</b> 199:5	337:14,16,18	172:24 175:23	315:18
337:1,1	<b>reacted</b> 229:6	337:20,22,24	185:22 211:16	<b>references</b> 234:4
<b>R&amp;D</b> 9:14	<b>read</b> 16:12 23:2	<b>reasons</b> 57:7	241:12 249:3	262:7
172:14 218:24	23:9 115:1	<b>Reath</b> 1:16 3:8	250:3 254:12	<b>referred</b> 39:15
277:19,19	122:10 131:21	<b>recall</b> 24:18 26:5	258:24 286:8	75:2 83:6,14
278:14 307:16	149:1 157:1	37:22 51:11,20	<b>recommend</b>	113:5 140:1
332:7	173:18 174:1,9	51:22 54:7	280:3	143:1 150:1
<b>rail</b> 61:6,10,14	175:6 203:22	55:17 60:21	<b>recommendat...</b>	301:15
61:18,23 62:2	208:18 230:23	61:13 68:10	171:6 173:9	<b>referring</b> 21:2,7
62:16,17 63:9	231:2 232:10	75:12 108:10	175:9,12	21:23 28:23

37:2 120:24 123:23 132:10 160:16 169:18 172:4,5 176:4 196:23 239:17 275:6 276:15 308:16 330:3 <b>refers</b> 87:13 207:17 269:13 278:4 331:21 <b>reflect</b> 189:8 <b>reflected</b> 67:19 191:5 <b>refrain</b> 295:13 <b>refresh</b> 107:22 119:2 134:12 135:3,20,24 138:18 234:17 289:8 <b>refreshed</b> 108:5 108:16 134:22 135:12 136:16 137:8,18 <b>refreshing</b> 134:18 137:23 <b>regard</b> 38:20 180:17 223:2 258:19 <b>regarding</b> 9:17 14:17,24 16:16 18:17,23 19:11 19:19 34:5 36:21 40:14 50:21 108:12 137:17 205:5 207:7 212:2 216:12 222:18 225:11 267:13 305:1 312:8,19 327:12 <b>Regardless</b> 225:18 <b>Registered</b> 1:18 335:13 <b>regular</b> 55:3 202:1 220:17 273:5 279:20	308:22 <b>regulatory</b> 206:18 282:24 283:6,10 290:16,20 291:1 294:13 296:12 312:18 312:22 313:2 <b>rejection</b> 123:3 <b>relate</b> 260:20 322:21 <b>related</b> 29:12 34:9 77:4 81:12 216:7 261:12 262:10 <b>relates</b> 1:8 207:16 283:9 297:3,9 327:7 <b>relating</b> 19:21 298:4,5 301:8 <b>relation</b> 19:6,13 19:17 28:1,1 31:22 205:17 265:12 277:11 283:18 294:1 305:23 <b>relative</b> 31:13 33:15,17 34:7 36:17 51:3 150:7 151:12 209:22 247:16 249:5 299:20 308:6,12 325:14 328:12 329:5 <b>Relativity</b> 318:17 <b>release</b> 94:15,18 122:20 123:4 286:15 288:3,8 289:6,10,16 294:21 295:1 296:2 300:24 310:20,23 <b>released</b> 129:15 <b>releases</b> 123:20 289:23	<b>reliability</b> 160:15 <b>reliance</b> 273:8 <b>rely</b> 271:11 <b>remain</b> 124:10 <b>remained</b> 176:16 286:4 287:15 <b>remarked</b> 214:6 <b>remedies</b> 174:20 <b>remember</b> 17:12 18:7 51:13 53:23 126:16 172:2 192:18,21 196:21 221:16 227:11 259:20 <b>remind</b> 187:1 311:9 <b>removed</b> 285:13 <b>rendered</b> 74:13 <b>reorient</b> 305:2 <b>repeat</b> 18:1 167:16 320:14 329:3 <b>repeated</b> 283:9 <b>repeatedly</b> 216:16 <b>repetitive</b> 330:18 <b>rephrase</b> 18:5 27:5 <b>replaced</b> 76:11 95:20 <b>report</b> 7:16 9:9 9:13,15 127:2 127:11 157:11 157:12,13 158:6 159:22 163:14 165:13 167:5 168:4 169:12,14,24 187:13,16 202:5,21 203:6 205:1,16 212:14,18 215:1,4,6	216:7,11,20,24 221:8 281:4,6 285:21 286:3 289:5 293:14 293:24 295:3 300:17 301:16 302:8,11 303:20 306:21 307:5,7 309:18 316:2 317:3 318:3,4,7 <b>reportable</b> 158:5,6 <b>reported</b> 88:3 90:24 157:23 158:17 159:4 162:12 166:10 167:9,10,20 169:4 205:4 222:22 223:4 255:7 256:13 300:11 305:5 307:4 309:11 316:13 319:5 329:22 331:13 <b>reporter</b> 1:18,18 1:19 12:19 335:13,14,14 335:22 <b>reporting</b> 169:10 173:3 290:24 291:1 309:14 325:5 <b>reports</b> 187:20 188:22,23 189:4 243:3 285:24 291:2 301:20 307:22 329:4 <b>reprepped</b> 303:4 <b>represent</b> 184:1 <b>representative</b> 48:19 153:15 <b>representatives</b> 198:13 201:24 244:20	<b>Representing</b> 2:20 3:11,20 4:5 <b>represents</b> 206:15 283:3 290:17 <b>reproduction</b> 335:20 <b>requaification</b> 212:13 <b>request</b> 11:8 217:8 301:16 312:17 <b>requested</b> 279:18 312:23 335:7 <b>requesting</b> 217:19 <b>requests</b> 217:11 <b>require</b> 103:6 271:10 <b>required</b> 19:6 64:9,14,21 65:19 69:8,13 70:8,19 77:15 79:11,19 90:18 90:23 103:18 120:5 121:12 154:23 163:11 178:2 270:4 291:1 298:1 314:2 315:3 <b>requirement</b> 65:1 66:16 70:24 90:13 99:20 100:5,12 101:1,18 102:4 105:6 106:23 106:24 110:8 112:12 113:24 119:12,20 120:12 121:24 123:6,14 129:4 129:7 133:4,14 133:21 232:6 279:8 309:7 <b>requirements</b>
---	---	--	--	---

6:18 9:7 52:12	36:13,14	271:17 273:22	96:18 100:5,20	304:21 305:4
77:10 81:17	154:17	279:13 289:20	109:19 114:24	306:16,21
82:24 88:18	<b>responsibility</b>	292:20 299:13	330:10	307:9 308:6,17
100:14 119:7	36:15,20 37:12	300:14,23	<b>revisions</b> 56:14	309:1
122:20 123:1	47:2 80:4,17	306:8 307:9,19	74:8 106:19	<b>RM</b> 6:8,11
132:23 141:16	81:5 82:5	315:14 316:3,3	<b>right</b> 14:20 63:2	54:21 56:21
149:4 175:14	89:16 128:15	316:14 321:8	93:16 99:11,16	57:2 64:13
206:19 208:14	128:23 154:18	321:10	107:7 110:20	73:21 74:1
240:20 276:17	170:2 204:5,8	<b>retested</b> 253:3,9	110:21 115:16	76:11,13 93:18
283:1,7 290:16	<b>responsible</b>	257:2 305:12	130:11 143:11	95:8,17 96:18
290:21 294:9	18:17 37:16	<b>retesting</b> 254:6	152:2,2 188:3	99:5 109:17
294:14 296:13	43:1,24 52:2	305:1,19	216:1 229:14	114:24 232:6
309:14	52:16 53:8	306:17	244:10 286:2	275:14,19
<b>requires</b> 103:15	55:8 79:24	<b>retired</b> 20:2	303:9 305:4	277:6,14 314:3
250:8	80:9 82:1,9	35:8 36:6	308:23 333:18	<b>Road</b> 1:16 2:9
<b>requiring</b> 250:8	83:9 85:11,11	95:14	<b>right-hand</b>	<b>Robert</b> 327:12
269:15	86:16 104:8	<b>retirement</b> 56:1	320:18	<b>role</b> 125:4 128:7
<b>resample</b> 173:16	128:12 245:5	201:13	<b>ring</b> 75:14	246:21 247:1
<b>research</b> 72:13	<b>responsive</b>	<b>return</b> 336:15	<b>Rio</b> 21:21,24	328:24 329:17
80:5,7	287:7	<b>review</b> 7:13	200:7,11 203:7	<b>Roman</b> 18:15
<b>researchers</b>	<b>restate</b> 103:3	23:13,21 51:6	212:2,5 214:19	<b>root</b> 305:21
147:5 149:6	<b>result</b> 111:8	94:14 97:5	<b>risk</b> 170:14	<b>ROTH</b> 2:12
150:9	157:15 171:9	107:18,22	206:13 282:22	<b>roughly</b> 63:9
<b>reserves</b> 14:20	174:3 188:4	124:24 125:4	290:14	<b>routine</b> 87:3
<b>resource</b> 249:14	189:13 221:21	135:19 136:3	<b>RJ</b> 71:23 72:21	91:20 130:14
<b>resources</b> 237:2	224:21 225:24	137:17 140:9	94:2,3,9,24	<b>Royston</b> 61:7
<b>respect</b> 161:16	226:11 227:20	151:14 166:7	141:4 142:12	63:11,18 68:22
231:23 232:12	246:14 296:17	185:5 194:23	143:20 144:6	84:4,13,16
236:6 239:4	300:14 306:23	220:18,21	148:14 161:3	91:9 199:6
<b>respond</b> 139:12	310:4 323:24	278:9 283:14	169:13 198:7	267:17 315:12
227:4 244:20	327:8,9 331:16	293:13 326:6	247:5,12	<b>run</b> 264:18
261:2 284:23	<b>resulted</b> 185:16	<b>reviewed</b> 23:8	248:19,22	<b>running</b> 188:7
286:1,19	207:5 257:12	24:9 85:8	249:3,13,20	225:4
<b>responded</b>	257:24	98:20 107:14	254:14 275:11	
285:17 287:12	<b>results</b> 67:17	108:11 115:2	280:14,17	<b>S</b>
287:16 292:12	68:12,14 69:21	119:1 123:4	282:9 283:17	<b>S</b> 5:10 6:2 7:2
<b>responding</b>	90:9,14,17	134:17 135:6	284:14,22	8:2 9:2 10:2
21:10	91:5,10 111:15	135:15 137:23	285:2,12,17,21	117:9,9,9
<b>response</b> 18:7	112:23 133:7	138:18,21	286:4,14,19	<b>SAED</b> 39:16
48:5 115:17	144:16 169:22	183:12 205:14	287:10,12,16	<b>safe</b> 43:2 44:3
209:19 222:5	171:9 174:15	285:18 302:24	288:2,21 289:6	100:24 189:8
223:12 225:10	186:7 222:17	318:7	289:9 290:6	<b>safeguard</b>
227:3 244:6	222:20,21	<b>reviewing</b> 81:7	291:24 292:11	271:15
269:1 285:6,12	224:9 227:5	86:17 304:22	292:20 293:10	<b>safely</b> 186:3
285:22 287:6	228:12 229:1	<b>revised</b> 56:12	293:24 294:17	<b>safety</b> 65:17
<b>responses</b> 225:1	231:15 244:17	<b>revision</b> 54:24	294:22 296:16	170:24 172:16
<b>responsibilities</b>	256:12 271:2,4	55:11 76:14,17	297:20 299:19	181:18,22

183:21 184:14	164:13,20	234:23 235:11	62:16 63:22,23	202:23 218:5
185:11,18	167:3 184:4	235:21 236:20	69:23 77:12	218:11 228:6,9
189:23 282:23	187:2 197:15	237:19 239:4	79:7 81:16,18	252:2 259:15
290:15 301:4	197:15 204:17	239:15 240:12	81:21 99:12,17	265:23 283:16
<b>sales</b> 1:6 332:7	222:8 261:9	241:8 242:3,22	99:18,23	<b>sees</b> 303:13
<b>sample</b> 38:22	262:12 271:22	243:23 245:9	109:17,20,24	<b>segregated</b>
39:1,5,9,12,22	321:24 323:10	246:6,17 247:9	115:23 118:12	197:11
67:20 111:11	329:15	248:9,11 249:1	119:8 132:4,22	<b>selected</b> 39:12
145:2 148:10	<b>says</b> 57:24 68:11	250:1,12 251:6	133:2,12 142:4	317:11
148:23 157:5	85:2 93:19	251:19,21	143:16,18	<b>sells</b> 233:3,4
167:9,20	99:11,15 111:6	252:13 253:6	144:2 147:19	<b>SEM</b> 39:23
168:24 221:9	113:19 116:5	253:12 254:10	156:18 162:6	<b>Seminary</b> 2:9
230:19 298:20	123:1 149:12	255:11,24	162:10,14,21	<b>send</b> 217:16,17
301:21 302:6,6	149:16 162:10	256:20 257:7	162:22 163:7	269:10 279:21
302:9 303:1,5	166:18,21	257:16 258:4	166:6 177:19	<b>sending</b> 271:6
305:1,5,12,19	175:3 195:19	260:19 261:4,6	190:23 191:17	<b>senior</b> 36:9
305:20 306:9	199:2 212:17	261:16 263:24	195:6 198:21	46:21 96:22
306:10,18	214:24 215:4	268:16,24	203:2 205:12	124:23 127:21
308:4 309:3	232:7 234:13	270:7,13 326:4	205:16,19,23	176:4 193:7
315:13 317:10	235:15,24	328:22,24	206:6,22,24	194:19 204:5
319:23 320:13	237:22 238:4,8	329:17	207:11,15	221:23 312:12
<b>samples</b> 14:19	245:15,17	<b>screening</b>	209:19 213:4,5	324:19,21
93:21 94:1,5	256:10 263:9	311:14	213:7,9 214:17	<b>sense</b> 126:14
98:2 148:7	263:23 277:4	<b>sea</b> 200:6	214:21 216:8	214:5
205:6 234:4	284:4 295:3,11	<b>searched</b> 217:4	217:14,15	<b>sent</b> 51:9 68:5
247:6 253:3,9	299:5 301:12	<b>searching</b> 331:6	229:10,12	82:10 86:10,11
254:5,12,16	301:20 314:5	<b>second</b> 5:14,15	234:2,6,11	86:12 93:22
257:1,10,24	316:2 318:11	18:6 75:22	246:8 255:4	94:1 211:10
273:4 294:13	<b>scanning</b> 40:1	87:5 213:16	256:5,7,17,23	254:14 269:12
296:11 297:20	<b>scenario</b> 176:9	228:9 232:7	257:3 259:18	278:8 307:7
298:17 301:23	<b>scenarios</b>	259:17 297:7	267:11 275:3	319:17 325:19
302:1,15,23	171:13	298:5 320:22	275:15,21	325:20 327:11
303:2,3 307:15	<b>scientific</b> 40:13	320:23 321:5	276:12,18	329:10
307:16,21	<b>scientist</b> 80:14	<b>seconds</b> 333:17	277:1,7 281:19	<b>separate</b> 86:6
317:8	<b>scope</b> 44:9,13,24	333:18	282:7,15 285:8	<b>separated</b> 208:8
<b>sampling</b> 59:14	45:15,19,22,23	<b>section</b> 88:18	288:19,20	<b>separating</b>
81:10	47:14 48:1,23	99:13 100:14	289:1,4 297:5	273:2
<b>sanitization</b>	49:4,24 53:3	122:23 158:22	301:10 303:8	<b>separation</b>
267:16	65:13 66:2	160:8 213:13	323:15,19	128:1
<b>sanitized</b> 200:12	151:21 170:18	215:16,18	324:17	<b>series</b> 186:20
<b>sat</b> 17:16	181:9 182:24	279:9 315:19	<b>seeing</b> 266:9	313:10
<b>satisfactorily</b>	196:11 203:13	316:1,18	<b>seen</b> 16:8 22:24	<b>serious</b> 170:11
133:10	221:12 223:15	<b>sections</b> 280:5	50:5,19 51:7	170:13 227:21
<b>saw</b> 215:18	224:19,22	316:15	130:19,20	282:13 328:9
<b>saying</b> 106:1,10	226:4,16 227:7	<b>sector</b> 41:20	141:2 147:10	331:13
123:12 137:4	231:10,23	<b>see</b> 57:21 58:13	150:12 197:6	<b>seriousness</b>
150:19 153:13	232:13 234:8	59:23 61:20	201:21 202:4,7	171:2

<b>served</b> 13:6 46:21 <b>Services</b> 1:22 12:6 <b>set</b> 68:2 134:5 <b>sets</b> 60:4 <b>setting</b> 310:10 <b>seven</b> 117:17 190:5,10 192:7 304:9 333:16 333:17 <b>SFDA</b> 226:21 228:19 229:18 230:9 240:17 246:23 247:18 247:19 248:2 248:21 249:12 249:16,23 252:2,8 253:1 254:6,13 256:13 <b>SFDA-design...</b> 256:7 <b>Shang</b> 58:10 <b>share</b> 212:16 215:3 <b>shared</b> 128:15 308:13 <b>Sharko</b> 3:8 13:3 15:9 18:13 115:7,19 116:9 142:13,23 143:10 214:12 217:10,23 225:13 262:2 262:22 291:6 303:15 304:6 310:9 <b>she'll</b> 225:16 <b>sheet</b> 284:8 301:21 302:13 302:15 303:2 320:8 336:7,9 336:12,15 338:12 <b>shelves</b> 94:22 <b>shifted</b> 93:13	<b>ship</b> 68:4 <b>shipment</b> 86:7 99:12,15,20 111:12,17 112:5 208:4,12 208:12 <b>shipments</b> 208:7 208:8,10,16 <b>shipped</b> 42:17 60:13 61:7 91:23 113:2 201:6,7 208:1 270:18 273:3 315:11 319:21 <b>shipping</b> 208:1 <b>short</b> 73:14 168:18,23 265:6 304:15 324:17 <b>Shorthand</b> 1:18 335:13 <b>shortly</b> 104:3 <b>show</b> 15:24 52:19 53:13 54:14 74:19 76:5 96:13 108:8 134:24 141:8 155:17 162:2 177:11 179:24 194:14 202:19 211:23 212:21 238:19 254:20 259:14 263:2 266:21 274:4 276:6 288:15 293:22 312:1 313:9,22 314:22 316:10 317:14 322:9 323:8,17 326:9 <b>showed</b> 173:21 <b>Shower</b> 18:19 18:20 19:1,2,7 19:7,14,14,22 19:22 22:15,15 37:2,3,5,5,10 37:10,11,11,17	37:17 52:17,17 58:15,16 59:4 59:4 76:24,24 77:5,6 84:10 84:10,12,12,23 84:23 85:16,16 85:21,21 97:12 97:13 118:21 118:22 124:6,6 154:9,10 195:16,16 <b>showing</b> 188:23 <b>side</b> 328:3 <b>sign</b> 335:9 336:8 <b>signed</b> 302:11 312:11 <b>significant</b> 206:15 242:13 290:17 <b>signing</b> 336:10 <b>silos</b> 200:10,12 200:13,14 <b>SILVER</b> 3:18 118:14 155:19 191:23 213:9 <b>similar</b> 248:17 <b>similarly</b> 78:15 231:14 <b>simply</b> 146:3 323:22 329:22 <b>single</b> 103:17 148:10 158:5 159:21,23 160:24 168:8 169:13 173:15 174:20 175:17 175:19 <b>sir</b> 21:16 22:20 24:7 30:22 63:24 77:12 99:13 111:22 113:14,22 126:2 132:21 155:22 234:11 236:10 239:24 241:16 256:22 261:1 269:3	274:9 280:11 287:2 294:24 327:4 <b>site</b> 86:13 120:4 120:21 124:11 193:10 194:2 198:5 216:14 275:11 284:14 286:24 289:21 294:8 <b>sites</b> 227:23 <b>sitting</b> 56:16 110:23 241:23 <b>situation</b> 168:3 176:10 219:5 221:20 223:12 225:12 226:13 228:23 246:24 <b>situations</b> 74:9 306:6 <b>six</b> 25:16 213:2 302:1 <b>size</b> 64:15 87:10 92:7 93:2 148:23 302:2 <b>Skillman</b> 8:7 244:8,10,14 245:3,24 <b>skin</b> 180:11 <b>skipped</b> 306:19 <b>slide</b> 142:7 194:18 198:17 <b>slightly</b> 185:24 186:4 189:24 <b>softball</b> 87:11 <b>software</b> 297:17 298:7,23 299:10 <b>sold</b> 37:6,20,23 223:22 224:11 232:20 280:9 324:2,6 <b>sole</b> 280:14 <b>somebody</b> 169:9 <b>somewhat</b> 263:11 <b>soon</b> 187:20	297:16 <b>SOP</b> 122:9 123:18 130:2 <b>SOPs</b> 121:17,18 124:10 130:15 <b>sorry</b> 41:4 47:18 55:22 60:1 71:9 99:14 102:24 126:6 132:11 178:4 213:21 214:1 214:10 235:17 240:7 267:21 268:3 274:21 <b>sort</b> 59:17 87:1 93:3 104:22 128:20 171:24 201:8 315:18 <b>sound</b> 62:3 63:6 <b>source</b> 141:5 142:6,10 143:19 212:16 215:2 219:17 236:14 <b>sourced</b> 57:11 58:16 85:21 188:20 193:20 195:16 219:13 219:21,22 224:20 <b>sources</b> 140:20 219:9,19 224:11 234:20 237:15 241:2 242:16 <b>sourcing</b> 6:18 141:15 219:2,3 233:17,18 <b>South</b> 233:19 <b>southern</b> 57:17 <b>space</b> 336:6 <b>speak</b> 16:3 17:23 31:9,16 32:8 34:4,8 44:17 45:8 59:16 104:10 130:7 161:12
--	--	--	--	--

224:1 262:21 321:20 322:3 <b>speaking</b> 188:15 192:17 195:10 323:1 <b>speaks</b> 223:1 <b>spec</b> 57:8 129:24 189:8 232:6 279:9 331:15 <b>specialized</b> 84:21,23 <b>specific</b> 26:18 54:6 58:18 79:18 82:20 105:6 120:10 123:5 129:17 171:20 197:3 197:10 221:6 246:12 258:13 297:18 298:24 300:5 <b>specifically</b> 13:17 50:14 108:4,15 115:8 155:8 171:22 188:13 196:20 202:24 241:11 252:1 265:12 276:20 312:24 313:8 <b>specification</b> 5:19 6:6,10 52:15,24 53:7 54:1,3 55:7 56:4 59:9 64:13 69:1,14 73:21,22 74:12 74:13,17,24 75:11,13 76:10 76:11,12,22 77:3 78:22 80:3,18 81:4 82:24 83:12 85:9 87:22 88:19 90:23 95:9,13 96:17 97:7,10,11	98:20 99:1 100:6,15 101:14,19,24 103:6,14,18,19 104:1,21,23 106:2,11,15,16 109:18 113:23 114:15 118:10 118:19 119:18 120:13 121:12 121:20,23 122:2 123:15 123:16 129:7 129:10 131:5 131:17 132:10 132:14 133:6 159:10 176:15 176:15 178:1 179:9,19 180:18 181:2 182:6 185:10 185:17 186:17 186:20 187:10 187:20 189:15 189:21 190:21 191:5 196:19 268:6,7 269:19 269:20 284:7 310:7 314:3 315:4,6 318:6 <b>specifications</b> 6:13 52:3,8,10 52:22 53:20 56:18 75:7 80:10,24 89:24 96:2 101:4 102:11,16 105:14,19 107:7,23 108:13,20 112:15 118:5 120:10 123:10 133:24 136:18 137:7,14 180:14 181:20 190:20 250:9 261:5 265:19	266:5,6 268:14 272:1,21 273:17 276:22 279:4 294:14 296:12 299:12 311:3 <b>specifics</b> 51:11 135:16 189:6 <b>specified</b> 18:24 78:11 138:6 269:21 <b>specs</b> 272:2 <b>speculate</b> 61:3 196:13 323:12 <b>speculating</b> 241:15 <b>speculation</b> 131:1 241:17 243:1 <b>spend</b> 38:2 <b>spent</b> 27:24 43:15 53:17 <b>SPITZER</b> 2:17 <b>split</b> 204:8 302:1 <b>spoken</b> 32:4,13 161:10 201:9 201:14 <b>spring</b> 17:20 <b>St</b> 84:22 <b>stage</b> 81:21 119:17 <b>staining</b> 139:23 <b>stand</b> 78:8 83:21 186:15 331:19 <b>standard</b> 120:20 120:23 121:2,7 123:22 124:4 124:15 125:1 126:24 127:10 130:9,23 133:22 146:14 146:19 147:6 147:11,12 148:14 149:7 149:18 150:3 150:15,20,22 160:23 218:5	218:14 250:20 250:20 251:3 252:8 253:18 287:18 330:2 330:21 <b>standardized</b> 250:15 <b>standards</b> 18:23 148:11 179:13 250:18,19,24 <b>standpoint</b> 72:18 185:18 <b>Stanish</b> 276:9 279:5 <b>start</b> 114:2 160:18 190:16 260:11 306:20 <b>started</b> 304:23 <b>starting</b> 193:18 <b>state</b> 140:21 141:18 184:10 216:19 242:12 336:5 <b>stated</b> 141:2 180:10 209:13 269:17 270:8 271:8 296:14 302:8 <b>statement</b> 105:16 114:14 122:9,24 133:20 139:3 145:7 147:7 150:4 165:11 167:12,22 233:14 240:24 241:4,22 294:20 <b>statements</b> 286:1 <b>states</b> 1:1 12:12 65:20 67:3 148:21 150:2 156:20 159:7 159:11 162:22 163:1 175:1,3 207:22 208:21	209:18 212:14 224:2,12 232:21 235:6 237:14 243:19 <b>stating</b> 166:6 261:7 <b>Stay</b> 321:1 <b>steering</b> 2:21 14:10 <b>stenographic</b> 12:18 <b>steps</b> 139:14 199:4 200:22 201:3 309:1 <b>stickers</b> 254:19 <b>Stipulations</b> 11:11 <b>stop</b> 333:20 <b>storage</b> 315:23 <b>stored</b> 208:5 <b>stores</b> 94:22 <b>street</b> 2:4 3:4 <b>strictly</b> 275:13 <b>strike</b> 34:13 80:6 114:17 115:5,13 188:5 190:16 193:12 201:17 260:10 295:20 310:1 <b>strong</b> 300:13 <b>strongly</b> 160:8 <b>struggling</b> 173:4 <b>studies</b> 72:14 <b>subcommittees</b> 182:16 <b>subject</b> 8:7,18 8:21 9:7,12 10:11 108:6 336:10 <b>submission</b> 313:5 <b>submitted</b> 254:5 257:1 <b>submitting</b> 307:15,16 <b>Subscribed</b> 338:19
--	--	--	---	--

<b>Subsection</b> 119:6	211:13 275:11 275:13 324:14	<b>system</b> 124:20 206:17 283:5,5	7:12,17,20 8:7 8:14,18,21	230:18 232:8 232:16,19,23
<b>subsequent</b> 56:13	<b>supply</b> 8:19 174:21 270:9	285:2,5 290:19 318:17 325:16	9:17,20,22 10:6,8,9 12:11	233:2,4,11,15 233:24 234:18
<b>subsidiaries</b> 31:18	270:11 <b>supplying</b> 59:2	<b>systematic</b> 206:19 283:4	28:4,5 33:17 52:4,8,12 54:3	236:14,15 237:14 241:1
<b>substance</b> 24:1 338:11	<b>support</b> 11:2 105:24 212:15	<b>systemic</b> 290:21 <b>systems</b> 203:19	54:21 57:10,11 57:14,16,17	242:14,16 243:16,18
<b>substantiate</b> 216:18	215:2 246:22 293:7	205:6 290:19	58:4 59:1,3 60:13 63:11	244:3,10 245:3 245:24 247:5
<b>successfully</b> 294:12 296:10	<b>supporting</b> 243:12 247:1	<b>T</b> <b>T</b> 5:10 6:2 7:2	64:22 65:2 66:16,22 72:18	248:23 256:15 258:19 259:2
<b>Sue</b> 289:6	<b>suppose</b> 93:14	8:2 9:2 10:2 117:9 337:1	73:21 76:23 77:4 78:12,16	260:1,17 262:15 266:6
<b>suffered</b> 325:3	<b>supposed</b> 215:15 315:9	<b>tab</b> 109:16 113:5 118:9 131:10	78:21 79:11 80:10 83:2	268:4,5,14 269:18 270:9
<b>suffering</b> 329:14	<b>sure</b> 28:22 53:20 55:10 56:13	131:19 180:21 180:23,24	84:5,8 85:20 87:24 89:9	270:11,11,17 272:8 275:7
<b>sufficient</b> 264:6	76:20 81:8 90:20 97:19,22	190:18 191:8,9 191:10,12,17	93:21 95:13 107:24 112:8	277:12,23,23 277:24 280:8
<b>suggest</b> 95:17 116:22 140:21	102:22 107:10 110:24 118:24	<b>table</b> 77:11,14 81:20 119:7,10	114:16 118:20 118:21 121:5	288:9 297:21 298:16,20,24
310:10 <b>suggests</b> 123:3	128:21 131:23 132:20 137:22	119:22,23 132:22 233:10	121:24 139:8 139:16 141:15	299:12 300:5 301:8 302:9,23
<b>Suite</b> 2:9,18 3:14	143:4 167:17 179:10 182:2	234:1 <b>take</b> 73:8 77:9	144:13 150:23 151:5,11,11	305:1 309:3,3 312:9,21 314:6
<b>summary</b> 8:8 64:4 207:5,12	192:9 213:14 214:14 233:10	116:24 117:1 130:15 138:11	153:17,18 155:7 156:9	314:10,10 315:17,22
<b>superseded</b> 95:20	239:7 242:4,5 251:10 253:18	168:13 180:9 190:18 209:7	161:5,18,20 162:17,20	321:14,16 322:17 323:24
<b>supervision</b> 281:24 335:22	255:17 274:12 310:15 320:9	213:22 217:12 224:24 225:8	166:12 168:24 169:20 174:8	324:5,10,14 <b>talcum</b> 1:5 8:9
<b>supplement</b> 208:13	<b>Susan</b> 3:8 20:3 32:6,6 116:19	225:13 259:18 264:15,17,22	174:21 176:11 177:22 181:24	22:12,14 28:2 28:12 34:9
<b>supplied</b> 203:20 232:8 277:12	143:14 217:3 291:14	264:23 279:21 291:9 303:16	182:7 184:20 192:15 193:20	38:21 39:1,5 39:12,22 40:14
<b>supplier</b> 7:15,17 57:13 64:6	<b>susan.sharko...</b> 3:10	<b>takeaway</b> 176:12	193:24 194:22 195:17 197:16	43:1,13,21 44:3 45:12
83:5,5,8,9,13 127:2,12	<b>suspect</b> 278:23 <b>suspecting</b>	<b>taken</b> 1:15 13:21 14:13 29:20	199:5 200:3 204:21 207:18	47:1 50:8 51:16 52:2
129:18 202:21 203:5,24	215:14 <b>suspicious</b> 140:8	81:22 169:16 171:1 199:22	211:5,14 212:1 212:15 215:2	53:9 55:8 60:15 71:18
204:21 211:5 211:15 212:1,4	<b>SUTCLIFFE</b> 3:2	209:21 223:19 309:2	219:2,3,9,10 219:16,19,20	72:4,20 92:2 92:18 96:17
212:14 214:18 215:1 273:6	<b>swear</b> 12:20 <b>switch</b> 174:7	<b>takes</b> 199:5 <b>talc</b> 3:21 5:20	220:4,16,23 223:20 224:8	102:17 104:9 160:21 166:3
278:1 324:10 <b>Supplier/</b> 9:14	<b>sworn</b> 12:24 335:5 338:19	6:7,10,16,18	224:19 229:21	178:2 196:7
<b>suppliers</b> 204:9 204:10 211:11				

222:19 223:21	186:2 189:19	84:3	144:13,16	319:18,21
224:1 268:22	189:19 193:1,2	<b>telephone</b> 35:15	145:14 155:5,6	324:5
273:21 280:16	193:5 195:4	40:18	156:5,8 157:19	<b>testified</b> 13:1
307:21 308:3	209:10 226:11	<b>tell</b> 74:24 126:17	157:21 158:3	29:9 98:16
310:5	226:19 227:3	165:1 166:11	162:5 164:10	101:23 102:15
<b>talk</b> 24:2 37:24	227:16 228:22	305:9 320:7,18	169:22 171:9,9	161:2
45:11,22 59:14	239:19 244:8	<b>telling</b> 295:20	173:20 174:3	<b>testify</b> 13:9
75:6 125:12	244:11,15	<b>tells</b> 236:22	174:14 177:18	18:16,22 19:10
177:4 200:24	245:4 246:1,2	<b>TEM</b> 7:7 39:6,9	178:8 179:5,6	19:19 20:8,9
247:17,19	246:13,22	146:13,20	179:19 180:6	20:13 27:8
263:6	247:14 249:15	147:2,6,18	186:6,20	34:6 49:5
<b>talked</b> 18:11	258:21 266:15	148:21 149:5	187:13 189:4	52:22 105:18
23:22 29:7	275:12 281:18	149:18,21	189:13 222:21	262:14
88:19 186:1	281:20,22	150:2,6,21	224:9 225:23	<b>testifying</b> 18:12
192:4,13,15,19	285:14,18	155:10 162:18	227:5 233:11	95:22
244:9 253:3	305:23 312:18	169:1,3 269:9	233:24 240:18	<b>testimony</b> 5:4
280:11,13	313:2 331:23	302:1	244:17 246:15	15:7 16:12
<b>talking</b> 60:3,23	332:2,7,8,12	<b>ten</b> 78:5,12 79:5	249:7 252:10	27:1 28:16
73:20 76:13	332:16,21	174:15,18	255:7 256:10	29:22 30:3,6
114:23,23	333:8	175:4	256:12 257:11	31:12,14 34:21
120:8,10	<b>teams</b> 209:24	<b>term</b> 131:3	257:13 258:1	35:12 37:15
130:23 142:19	<b>Tech</b> 85:18,23	149:20 150:10	268:7 269:20	40:21 45:15
145:11 164:4	86:6,21,22	150:14 197:2	269:21 271:16	102:21 105:22
168:23 169:21	91:15,24 92:2	242:9 260:5	272:11 273:21	105:23 106:5,8
172:7 174:8	92:11,14,17,23	292:9 331:6	275:7,9 277:4	106:13 108:12
188:18,19	93:3,5,12	<b>terms</b> 28:14	277:13 279:13	134:13,19
201:23 239:22	94:21 99:8	29:4,11 31:20	280:2,16	135:13,21
239:24 240:2	123:24 124:4	40:7 44:13	284:15 286:15	260:12 271:12
254:1 256:12	124:16 125:2	79:16 89:4	297:24 298:2	291:8 293:15
265:10 272:17	125:19 130:10	129:4,17 131:1	306:22 307:9	321:10 335:6
272:18 290:6	130:24 200:11	135:10 139:3	307:18,21	<b>testing</b> 14:19
<b>talks</b> 87:5	276:9 277:3,11	157:16 160:10	309:15 310:4	18:18 19:5
139:22 158:22	310:15,19	168:10 182:10	311:17 316:14	33:23 38:20
158:24 160:8	311:10 318:8	184:19 186:18	316:23 319:17	40:14 45:11,23
316:18	<b>Tech's</b> 85:23	195:1 260:9	320:10,21	59:8,11 64:5,9
<b>tangible</b> 139:11	<b>technical</b> 7:20	269:16 272:16	<b>tested</b> 65:2,5,20	64:14,17 67:1
<b>tankers</b> 200:13	8:7,10 230:1	295:7 298:7	66:16 70:19	67:6,18,19
<b>Target</b> 94:23	244:10 245:3	299:1 321:8	77:21 79:11,17	69:2,6 70:2,3,4
<b>task</b> 242:18	246:1 247:14	325:18 330:11	98:3 112:24	70:7 71:5 72:4
<b>team</b> 8:7,10	247:16	<b>terrific</b> 61:24	169:1 182:1	72:18 81:13,16
23:21 31:15	<b>technically</b>	<b>test</b> 6:21 7:9,11	185:15 216:16	82:2,6,9,11,18
80:5,8 81:2	103:20	8:22 40:8,10	234:5,19	87:17 88:9
125:6,7 170:6	<b>TECHNICIAN</b>	53:12 77:15	236:16,24	89:3,9,24 90:9
172:1,11,17,22	4:7	79:20 82:21	242:15 243:17	90:14,17,21
175:15,15,23	<b>techniques</b>	87:23 88:24	253:10 254:2	92:1,4,9,10,13
175:24 176:3,5	139:19	91:5,11 94:4	273:11 305:5	92:16,21 93:1
181:18 184:14	<b>Technologies</b>	107:6 111:15	309:3 315:14	93:12,23 94:8

94:9,24 98:1,9	317:12 319:4,5	129:11,12	8:20 9:6,11	225:9,14
99:22 100:13	319:9,13	131:7 135:14	10:10	238:21 243:2
101:21 103:9	322:16 323:24	137:5 149:24	<b>three</b> 65:6 96:19	248:4 254:3
103:15,16	<b>tests</b> 67:2 71:18	150:5,11 152:9	126:18 158:15	264:17 265:2,3
112:14,23	88:16 89:12	155:19 163:19	163:3 165:18	265:7 269:6
114:6 119:6,21	90:18 98:17,22	166:8 169:7	166:19 188:7	274:14 281:24
120:15 122:1	119:13 133:10	178:16 185:20	202:14 210:22	284:1 304:12
129:9 132:23	161:17 186:20	191:11 196:14	283:8 290:8	304:16 313:13
133:7,15	255:20 273:15	197:22 199:1	292:1,2	327:22 328:8
135:19 136:5	298:16 307:20	201:2,4 210:8	<b>till</b> 57:3 74:1	328:20 330:5
137:17 138:2,6	311:6,10 317:5	215:10,17	<b>time</b> 12:8 19:18	330:14 331:1
138:24 141:6	320:3	220:1,3 221:3	19:19 20:5,17	332:4 333:14
145:22 146:14	<b>Texas</b> 3:14	233:9,21	20:18 22:9	333:21
146:23 147:1	57:15 200:8	236:21 242:8	25:8,11,17	<b>timeline</b> 85:2
147:18,22	214:20 267:20	242:11 243:2	26:2 27:8	<b>times</b> 24:16
151:4 154:23	267:21 316:22	244:2,2 251:24	29:21 30:2	25:23 26:3,13
154:24 155:1	317:9 320:12	253:13 263:24	37:7,14,16,18	26:17 32:12
155:10 161:5	<b>texting</b> 35:19	265:1 266:11	38:2 43:15	115:2 126:3
161:20 163:22	<b>Thailand</b> 324:11	270:23 272:4,5	50:6 51:14	280:13
169:5 177:11	<b>thank</b> 21:18	272:24 279:16	52:1 55:18	<b>Tinto</b> 21:22,24
196:20 238:14	22:9 24:13	279:16 287:4,5	56:6,22 57:8	200:11 203:7
247:5,13,17	30:20,24 75:24	289:13 291:9	58:18,24 61:5	212:3,5 214:19
248:3,22 250:7	117:22 143:13	291:22 292:8	71:8 73:11,15	<b>Tinto's</b> 200:7
250:21 252:18	180:23 187:2	292:10 293:5	74:2,14 76:24	<b>title</b> 54:21 83:6
253:20,22	218:2 280:11	294:19 295:24	80:13 84:21	142:7 233:22
254:14 260:17	319:8 324:16	299:17 300:10	87:21 92:17	245:20
260:21 261:4	327:4	304:4 311:7	98:2 99:3	<b>TM</b> 79:20
262:15 265:19	<b>Thanks</b> 60:10	318:1,18	101:4 102:1,7	136:11 137:19
268:21 269:4	<b>theoretical</b>	320:22 321:18	102:19 104:4,9	162:5,12
269:11,14	145:19,21	321:22 323:15	104:19 105:1	163:10 284:5
270:3,16,24	146:5 175:21	326:10	106:3 108:1,21	284:13
271:2,4,9,11	<b>therapeutic</b>	<b>third</b> 84:1 93:5	116:13 117:4	<b>TM003845</b> 7:11
271:19 273:2,4	282:24 290:15	128:3	117:11 121:1	<b>TM7024</b> 6:21
273:9 275:19	<b>thing</b> 17:21 62:1	<b>third-party</b>	121:13 125:18	<b>TM7169</b> 7:9
279:7,11	113:19 123:13	83:22,23 85:3	125:21 126:3,7	<b>today</b> 14:13 16:3
283:19 284:14	184:9 201:8	89:8 99:8	126:17 127:23	16:9 18:12,16
284:16 288:3	217:14 279:1	125:11 128:4	133:5 138:7	19:4,10 20:12
289:7,10,16	<b>things</b> 14:9	203:15 204:10	142:13 151:8,8	20:23 21:19
292:15 294:12	59:10 125:12	<b>thirty</b> 336:16	168:15,19	22:11 23:19
294:21 295:1	163:23 168:9	<b>thought</b> 105:20	171:12,21	26:14 27:1,8
296:2,11	<b>think</b> 20:16 21:6	132:9 191:6	172:20,21	30:3 31:12,24
297:10 299:2,7	22:2 25:2 45:2	222:14 240:6	173:3 179:7,20	34:6,22 35:12
299:14 301:8	59:9,17 73:22	274:20	184:21 192:16	40:21 44:17
306:9 310:20	105:22 109:2	<b>thousand</b> 144:9	193:7 199:16	45:10 56:17
310:23 311:1,8	114:9 115:12	<b>thousands</b> 60:23	200:23 210:24	95:18 104:11
311:11,15	115:23 116:18	203:2	211:3,18 212:8	105:23 130:8
316:2,3,12,20	128:14 129:6	<b>Thread</b> 8:6,17	219:11,11	134:13 135:13

200:24 201:11	<b>toxicology</b>	62:17 63:16	287:12,16	321:2
219:12 241:23	172:16 183:20	64:10 69:14	288:4 290:9	<b>two-page</b> 318:22
280:14 293:15	<b>TPM</b> 83:20,20	70:8,14,20	292:3,16	<b>type</b> 41:21 42:12
<b>Today's</b> 12:7	85:3	77:17 80:18	296:14 299:24	46:9 88:9
<b>Toiletry</b> 137:21	<b>trace</b> 144:15	95:1,5 96:24	305:14 335:6	140:15 153:1
<b>token</b> 39:21	209:1	97:6 100:15	<b>trusted</b> 194:6	157:7 158:14
<b>told</b> 73:24 103:4	<b>traceability</b>	101:21,22	<b>truthful</b> 184:4	158:15 162:19
130:11 137:18	207:23 208:15	102:2,8 103:10	<b>truthfulness</b>	163:12 176:10
<b>tolerance</b> 43:6	209:14 210:2	104:4,5 105:2	241:22	204:1 330:16
43:12	<b>tracking</b> 301:20	105:3,8 112:16	<b>try</b> 22:8 258:17	330:18
<b>Tom</b> 288:24	302:12	113:9 114:6	<b>trying</b> 126:14	<b>types</b> 19:5 33:23
<b>tomorrow</b> 321:3	<b>train</b> 248:21	119:22 127:22	139:10 178:7	72:15 139:14
<b>ton</b> 314:15	<b>trained</b> 38:3	134:13,14	179:17 245:16	139:19 184:11
<b>Tongzi</b> 58:11	<b>training</b> 38:2,5	138:8 141:1	314:14,15	202:10 298:16
<b>tonight</b> 310:11	248:20 249:4,9	143:24 144:9	<b>tuned</b> 321:1	328:12,18
<b>tonnage</b> 60:20	297:15	145:5,7,16	<b>turn</b> 22:22 67:14	<b>typically</b> 25:15
61:13 195:21	<b>transcript</b> 335:9	146:1 147:24	70:15 77:8	29:5 42:1
195:21 197:4	335:19 336:17	148:1 151:19	78:3 79:23	68:21 70:4
<b>tons</b> 60:20,24	336:19	152:5 153:20	109:8 110:4,7	140:17 148:11
61:11 68:9	<b>transcription</b>	154:2,11	118:8 119:5	181:16,21
195:20 196:1	338:7	155:11 157:7	131:10 132:21	211:12 285:23
272:7,8	<b>translation</b>	160:21 164:17	141:24 147:15	292:10
<b>top</b> 74:21 294:5	232:2 322:5	167:12 170:16	195:5 198:16	
<b>topic</b> 16:16	323:7,9	182:22 184:23	205:15 206:2	<b>U</b>
19:17 20:6,17	<b>transmission</b>	185:18 186:21	207:4,14	<b>U.S</b> 13:13 21:7
24:22 59:16	79:17 136:12	188:1 189:15	212:11 214:10	36:16 232:24
151:14,17	155:6 156:13	190:6 191:3	214:23 229:9	234:21 236:16
195:3 222:20	<b>transportation</b>	194:3 204:2,21	232:5 233:8,20	237:17 243:12
222:24 262:21	200:18 201:5	209:15 210:6,6	235:8 256:4	270:8,10,12
264:10 280:4	<b>transported</b>	210:10,18	276:23 282:4	280:9 333:11
<b>topics</b> 13:9 14:4	63:10 201:7	221:24 223:16	283:12 294:4	<b>ultimately</b>
14:17 15:1	<b>traveled</b> 200:3	226:14 230:6	296:23 301:6	128:11 169:8
18:11 34:5	<b>Traver</b> 327:16	231:7 233:6	<b>turned</b> 292:23	170:4 189:7
45:1 49:19	327:21	237:17 243:20	<b>TV</b> 329:6	190:1,8 196:3
53:19 81:14	<b>tremolite</b> 302:18	244:18 245:7	<b>two</b> 59:15 60:4	196:6 251:1
181:10 182:24	<b>trend</b> 189:10	247:7 248:5,23	78:17,22	253:2 254:5
202:8 205:5	<b>trends</b> 325:15	249:23 250:9	126:18 139:19	278:16 319:21
222:5 240:16	<b>trick</b> 314:14	251:4 253:4	158:13 160:14	<b>unavailable</b>
260:20 268:20	<b>tricky</b> 179:18	254:7 255:8,13	163:23 165:17	220:5 284:24
<b>total</b> 26:8	<b>trip</b> 7:13 194:22	255:21 256:14	168:9 178:10	<b>unclear</b> 299:18
<b>toxicity</b> 189:19	195:2	256:22 257:13	191:3,19 192:9	300:10
<b>toxicologist</b> 45:4	<b>trips</b> 202:7,14	258:6 268:14	202:14 206:10	<b>underground</b>
46:2 181:17	<b>truck</b> 199:23	270:19,23	214:24 225:24	58:10
<b>toxicologists</b>	200:4,8	273:17 279:13	234:13 235:24	<b>understand</b> 15:3
49:17 50:15	<b>trucks</b> 208:4	279:16 281:11	283:2 290:7	16:13 19:16
51:6 184:13	<b>true</b> 29:5,6	282:9 283:19	298:3 302:2	25:18 26:11
186:2	33:13 61:12	286:16 287:10	308:11,15,20	35:7 38:3

40:23 52:1	10:12	<b>validation</b> 205:7	120:5 169:10	127:9 145:12
59:17 87:16	<b>unusual</b> 260:4	297:18 298:8	170:3 200:17	155:9 175:22
95:10 110:20	325:15	<b>valued</b> 150:6	200:21,21	209:1 210:3
112:20 175:12	<b>up-to-date</b> 31:4	<b>Van</b> 198:11	261:15	230:7 241:14
175:24 188:21	31:6	308:17,24	<b>violates</b> 166:2	253:22 277:22
202:9 205:13	<b>update</b> 7:20	<b>variation</b> 199:18	<b>virtue</b> 94:17	283:14
246:24 247:15	8:11 57:7	<b>varied</b> 89:3	128:10	<b>ways</b> 302:1
252:5 271:12	230:1	<b>varies</b> 140:15	<b>visit</b> 193:10,14	<b>we'll</b> 21:19
325:19	<b>updated</b> 74:10	<b>variety</b> 156:22	194:2,18 198:5	117:2 155:22
<b>understanding</b>	104:15,16,18	159:8	198:15 210:21	195:13 217:12
19:24,24 21:2	<b>upper</b> 77:19	<b>various</b> 24:9	<b>visited</b> 192:23	225:8 264:1,3
37:15 58:23	178:11 189:14	43:17 72:15	193:2,16	<b>we're</b> 55:1 73:7
59:5 67:24	190:4,24	202:8 205:5	<b>visits</b> 209:24	93:17 99:6
73:1 89:2 98:8	<b>urged</b> 250:5	280:5 330:12	211:1	114:23 120:9
138:23 139:5	257:11,17	<b>veracity</b> 238:24	<b>vitae</b> 5:17 23:5	129:11,16
161:19 194:9	<b>urging</b> 250:10	239:7 241:21	31:2,5	131:23 137:11
197:14,21	250:15	242:10	<b>Volume</b> 1:10	217:7 223:24
201:23 216:13	<b>USA</b> 203:16	<b>verbal</b> 27:19	<b>VP</b> 327:23	255:17 263:6
223:19 248:13	<b>use</b> 9:17 60:15	30:9		263:16 274:9
252:7,11,15	72:19 84:9	<b>verification</b>	<b>W</b>	291:9 296:7
313:3	87:20,23 124:5	148:24	<b>Wait</b> 142:13	303:15 314:15
<b>understands</b>	174:20 179:14	<b>verified</b> 303:1	<b>walked</b> 104:1	321:4 333:15
111:1	195:23 202:11	<b>verify</b> 75:19	<b>Walmart</b> 94:23	333:17
<b>understood</b>	211:14 214:3	101:9 203:18	<b>want</b> 17:21 18:1	<b>we've</b> 40:17
21:16 24:5	220:8 232:20	<b>version</b> 54:7	71:15 74:19,20	88:19 109:14
<b>undertake</b>	260:5 270:18	55:24 56:22	74:23 75:3	129:6 133:24
171:18	280:8 292:19	76:16 95:9	97:19 115:24	173:5 219:14
<b>Union</b> 84:19	292:20 297:22	99:5 252:17	134:6 143:1,4	223:19 254:1
<b>unique</b> 67:23	312:8 327:9	<b>versions</b> 252:18	145:10 157:13	256:12 264:2
68:1,5,7 98:23	<b>usefulness</b>	<b>versus</b> 85:9	158:6 187:3,4	280:13 290:5
111:12 196:20	168:11	272:13	192:8 214:12	314:14 321:18
<b>unit</b> 85:14 86:20	<b>uses</b> 179:1	<b>vice</b> 172:14	220:10 243:7	<b>website</b> 43:16
282:3	<b>USP</b> 5:20 54:22	332:5,11,15,20	245:17 263:13	<b>WEDINGER</b>
<b>United</b> 1:1 12:12	79:14 179:1	333:2	264:14,18,23	4:2
65:20 67:3	250:17 252:17	<b>video</b> 12:9	295:5,17 314:4	<b>week</b> 8:7 107:19
224:2,12	<b>usually</b> 64:5	<b>videographer</b>	318:9 326:23	<b>weighs</b> 62:14
232:21 243:19	86:13	12:2,5 73:11	<b>wanted</b> 132:19	<b>weight</b> 160:11
<b>University</b>	<b>utilized</b> 89:15	73:15 75:21	171:12 175:16	165:21
237:3	176:10	117:4,11	263:14 273:10	<b>welcome</b> 180:17
<b>unknown</b>		168:15,19	273:15	<b>went</b> 15:23
145:24	<b>V</b>	265:3,7 304:12	<b>wants</b> 111:3	176:14 304:19
<b>unnecessary</b>	<b>VA</b> 2:9	304:16 333:15	<b>warranted</b>	<b>weren't</b> 272:17
115:9 116:13	<b>vague</b> 53:11	333:21	173:24	325:20
295:14	<b>valid</b> 227:20	<b>VIDEOTAPE</b>	<b>wasn't</b> 105:4	<b>West</b> 3:4
<b>unquantifiable</b>	<b>validated</b>	4:7	192:7 285:11	<b>white</b> 301:19
165:5	297:22 298:23	<b>Videotaped</b> 1:15	<b>way</b> 16:23 48:8	302:23
<b>Unspecified</b>	299:11	<b>view</b> 29:18	73:24 92:21	<b>whiteness</b> 64:22

316:19	154:15 155:14	264:16 265:1	<b>working</b> 47:3	<b>XRD's</b> 140:21
<b>WILENTZ</b> 2:17	156:12 158:2	265:22 266:8	85:1 125:6	<b>XRF</b> 297:10,18
<b>willing</b> 44:20	158:21 159:14	268:17 270:22	175:15 246:23	297:22 302:2
212:16 215:3	163:19 164:19	272:4 273:20	282:2 322:8	
<b>witness</b> 11:5	165:10 166:23	274:7 275:21	<b>works</b> 310:12	<b>Y</b>
12:21 14:24	167:15 168:2	277:17 279:15	<b>worksheet</b>	<b>yard</b> 199:23
20:21 23:24	170:20,23	280:21 283:22	302:22	200:3
24:5 29:16	174:12,24	284:10,20	<b>world</b> 47:10,21	<b>yeah</b> 37:21
30:7 31:20	178:16 181:15	285:16 286:7	49:8 163:22	127:6,7 131:24
32:19 44:12,17	183:4,18 184:9	287:18 288:6	185:13 219:23	132:19 136:19
46:5,14 47:17	185:2,20	289:13 291:14	252:20 324:14	151:23 153:6
48:4,12 49:2	186:10 188:12	292:8,18 293:5	<b>worldwide</b> 5:19	179:10 180:22
49:15 50:2,13	189:18 191:13	293:16 294:19	281:6	181:15 182:13
51:3,19 52:7	194:5 196:12	295:21 299:4	<b>wouldn't</b> 62:8	183:18 188:2
52:19 53:13,16	205:23 206:24	299:16 300:8	125:23 182:14	191:13,18,18
60:18 61:2	207:11,20	300:19 303:13	<b>write</b> 114:20	196:12 199:1
62:5,22 65:16	208:20 209:6	305:8,16 306:2	115:1 199:12	200:16 212:23
66:4,21 67:12	209:17 210:8	306:13 307:2	<b>writes</b> 275:5	214:14 215:10
68:20 70:23	212:23 213:4	308:6 309:6,18	279:5 289:3	228:16 229:14
71:8,21 72:6	215:10 218:10	319:13 321:20	<b>writing</b> 217:11	233:13 244:1
72:24 74:5,19	218:18 220:1	323:4 325:7	246:10 276:10	245:11,13
75:17 77:24	221:2,15	326:2,23	<b>written</b> 49:21	251:20 253:13
86:2,9 89:1	222:15 223:24	327:20,21	125:10 251:23	258:12 259:19
90:4 92:4 93:9	224:14 225:17	328:23 329:1,2	252:3 286:1	265:1 269:24
94:13 95:4	225:18 226:6,7	329:18,21	288:22 308:24	275:21 308:21
97:16 98:7	226:18,19	330:9 331:21	310:2,6	319:2 327:1
100:2,18 101:8	227:8,10,19	332:15,23	<b>wrong</b> 213:15	<b>year</b> 16:24 17:15
102:10,22	228:14,16	335:5,6,8	<b>wrote</b> 251:9	25:20 26:1
103:12 104:13	229:4 230:14	336:1	<b>WW</b> 7:17	35:8 195:20
105:11 106:14	231:2,11 232:1	<b>witness's</b> 295:8		228:17
107:9 108:8	232:14 235:1	<b>women</b> 325:21	<b>X</b>	<b>yearly</b> 69:20
110:12,15	236:7,21	329:13	<b>X</b> 5:2,10 6:2 7:2	70:8,19 98:2
111:4 112:3,19	237:21 238:7	<b>Woodbridge</b>	8:2 9:2 10:2	98:17 195:23
113:17 114:9	239:6,16	2:18,19	42:10,19	196:8
120:18 121:16	240:14 241:9	<b>word</b> 58:5	<b>x-ray</b> 38:22	<b>years</b> 35:3 44:19
122:6,15,17	242:4,24 244:1	129:23 131:8	139:20	112:16 126:18
124:9,18	245:11 246:20	165:7 185:21	<b>XR</b> 298:11	182:7 183:11
126:10 128:14	247:11 248:10	306:19	<b>XRD</b> 140:5,14	194:2 216:15
130:13 131:7	249:2 250:2,14	<b>words</b> 92:9	141:6 143:24	312:21 317:18
132:8 134:24	251:7,20	157:3 163:3	144:8,12,13	<b>yellow</b> 234:2,3
135:2 136:3,19	252:14 253:13	166:15 175:9	145:6 146:4	<b>York</b> 3:4,4
136:21 144:21	254:11 256:1	197:3 199:19	148:3,15 175:5	
145:18 146:3	257:17 258:12	211:9 219:10	251:3 297:13	<b>Z</b>
146:11,18	259:5 260:23	<b>work</b> 30:12	297:13,22	<b>Zappa</b> 193:6
147:9 149:15	261:17,20	41:10 42:7,19	298:6,6,15,19	194:19 198:4
151:7,23 152:9	262:11,20	49:18 182:15	299:14 300:1,4	198:12 199:12
153:6,22 154:4	263:7,20 264:5	322:6	302:2	266:12 275:6

288:24	<b>08967</b> 95:8 99:5	<b>12:43</b> 117:12	<b>2</b> 11:9 13:13	200:24 219:12
<b>Zappa's</b> 193:14	101:24	<b>125,000</b> 62:17	16:5 22:21	310:21
<b>zero</b> 43:6,12	<hr/>	63:3,8	57:24 179:15	<b>2006-2007</b>
<b>Zhizhuo</b> 58:8	<b>1</b>	<b>127</b> 2:13	212:11,24	104:19
<hr/>	<b>1</b> 8:7 11:15	<b>13</b> 147:16	213:20 214:11	<b>2007</b> 284:6
<b>0</b>	13:12 16:6	173:10 180:1	214:24 216:8	<b>2009</b> 56:6,10,14
<b>0.6</b> 230:20	22:21 109:16	312:21	229:10 277:1	56:19 57:3
<b>000008597</b>	113:5 140:18	<b>138</b> 6:15	294:4 318:12	69:4 74:2,14
131:14	140:22,22	<b>14</b> 194:15 221:6	320:9,22	95:14 98:24
<b>000009937</b>	141:3 143:24	229:20 256:11	<b>2.0</b> 77:9	102:12,19
192:2	143:24 144:5,7	296:24 301:7	<b>2.1</b> 319:14	105:14,22
<b>000132148</b> 8:22	144:12,14	<b>140471-76</b> 6:21	<b>2.33</b> 79:7	106:20,24
<b>000357471-88</b>	145:16,23	<b>140505-09</b> 7:10	<b>2.5</b> 178:3,12	127:24 202:22
5:20	146:1 148:4,14	<b>141</b> 6:17	<b>2.9</b> 319:14	203:6 204:7,8
<b>000415546-80</b>	148:15,15	<b>1462</b> 179:14	<b>2/11/2016</b>	210:6 211:3,17
7:14	163:1 181:5	<b>14th</b> 229:24	302:12,14	221:6 225:21
<b>000525310</b> 6:20	203:14 206:11	<b>15</b> 5:5,14,15	<b>2/8/2016</b> 303:3	228:10 229:20
<b>000629320</b> 10:7	318:12 320:21	77:9 79:24	<b>20</b> 174:19	237:13 238:23
<b>000631364-80</b>	338:6	81:15 194:21	211:24 259:15	255:3 256:11
10:9	<b>1.4</b> 13:9	202:20 228:10	338:20	<b>2009-2010</b> 102:1
<b>000634054-61</b>	<b>1.628</b> 13:11	237:13 238:23	<b>200</b> 9:20 27:14	105:1
7:11	<b>1/100</b> 175:4	<b>150,000</b> 195:20	29:10 314:6,10	<b>2010</b> 76:18
<b>00122446</b>	<b>1:46</b> 168:16	<b>1510</b> 3:14	<b>2003</b> 193:22	83:12,24 84:1
118:17	<b>1:59</b> 168:20	<b>156</b> 6:21	<b>2005</b> 55:13,14	84:5,10 87:20
<b>008967</b> 6:8,11	<b>10</b> 2:18 4:3	<b>15th</b> 229:24	56:9,14 57:3	93:19 101:4
76:13 93:18	57:20 119:6	246:1	98:19 103:12	102:19 180:19
95:17 96:18	155:20,23	<b>16</b> 141:17	104:3 106:20	182:8 190:22
102:18 104:24	156:4 296:23	190:22 211:24	<b>2006</b> 13:9,10,11	<b>2011</b> 8:15 96:20
132:14 275:14	<b>10.0</b> 279:9	214:3,18	13:12 18:20	98:2 100:6
275:19 277:6	<b>10:48</b> 73:12	288:17,18	19:2,8 20:1,13	101:4 118:11
277:14	<b>100</b> 62:2	335:15	20:19 37:19	119:19 120:14
<b>019</b> 297:13	<b>10019</b> 3:4	<b>16-2738</b> 1:6	43:5 52:1 54:1	121:14 122:3
<b>026</b> 297:14	<b>105</b> 1:16	<b>161</b> 7:6	54:4 55:12,15	129:10,24
<b>031712-20</b> 7:16	<b>109</b> 6:13	<b>17</b> 200:24 228:6	56:1,19 58:19	131:2 141:17
<b>033839-50</b> 6:12	<b>11</b> 13:12 22:22	229:10 239:23	58:24 61:5	151:3 171:5,5
<b>037018-26</b> 7:19	162:3 301:6	<b>177</b> 7:9	69:4 71:4,11	173:5 175:10
<b>049938-50</b> 6:8	304:24	<b>17th</b> 267:10	71:12 72:23,24	184:21 193:11
<b>07095</b> 2:19	<b>11/17/11</b> 8:17	<b>18</b> 57:20 60:8	89:22 94:5	194:21 198:24
<b>07701</b> 2:14	<b>11/28/11</b> 8:21	63:22 69:19	102:12 103:21	199:10 211:18
<b>07932</b> 3:9	<b>11/8/11</b> 9:6	238:20 245:3	104:3,7 105:14	258:9,18
<b>07962</b> 3:19	<b>11:00</b> 73:16	<b>180</b> 7:11	105:20,21	265:11,15
<b>08031</b> 54:21	<b>12</b> 97:23 119:6	<b>19</b> 254:21	107:24 108:21	267:10 275:2
56:21 57:2	177:13 255:6	256:24 312:10	109:23 118:6	276:13
64:13 73:21	255:19 304:24	<b>194</b> 7:12	125:18 128:24	<b>2012</b> 131:18
74:1 76:11	<b>12/19/14</b> 9:18	<b>1974</b> 35:5	138:7 179:7	132:15 133:16
109:17 114:24	<b>12/5/96</b> 7:6	<hr/>	180:15 192:17	199:16 280:18
<b>08837</b> 4:4	<b>12:01</b> 117:5	<b>2</b>	193:19 199:19	281:15 288:17

288:18 291:24	<b>25</b> 5:20 9:22	291:11 293:15	<b>411895</b> 9:21	<b>6/24/14</b> 10:11
<b>2013</b> 211:3	10:6 54:22	328:24 329:18	<b>42</b> 35:3	<b>6/9/09</b> 8:6
<b>2014</b> 312:10	57:10,11 61:20	<b>30th</b> 109:23	<b>44413</b> 8:16	<b>6:09</b> 333:22
327:6 328:14	62:14 63:2	<b>31</b> 322:14	<b>4900</b> 2:9	334:2
330:5 331:1	73:21 288:16	<b>312</b> 9:17	<hr/> <b>5</b> <hr/>	<b>60-plus</b> 61:11
<b>2016</b> 293:9	<b>25/Guangxi</b>	<b>313</b> 9:20	<b>5</b> 63:21 76:6	<b>600</b> 3:9
294:2 295:2	58:3	<b>3138494</b> 303:6	79:1 88:20,20	<b>650</b> 2:9
303:5 304:21	<b>253366</b> 7:8	306:11	93:18 140:19	<b>66</b> 7:8 162:19
305:13 317:17	<b>255</b> 8:9	<b>314</b> 9:22	181:3 182:5	<b>6th</b> 14:15
<b>2017</b> 20:1 35:9	<b>259</b> 8:12	<b>316</b> 10:6	184:23 185:15	<hr/> <b>7</b> <hr/>
58:19,24 61:5	<b>26</b> 255:3 293:23	<b>32</b> 326:10,17,18	189:1,5 190:5	<b>7</b> 54:24 67:15
95:14 103:21	<b>262</b> 11:15	<b>322</b> 10:8	191:9,10,17	69:18 109:3,15
108:21 125:19	<b>266</b> 8:17	<b>326</b> 10:10	207:4 230:22	117:18,20,23
129:1 138:8	<b>269-2343</b> 2:5	<b>33</b> 326:10,11,16	231:16 233:9	131:10,19
179:7 180:15	<b>26th</b> 8:11	<b>334</b> 2:5	<b>5,000</b> 62:15 63:2	134:11 143:16
192:18 199:16	<b>27</b> 312:2	<b>339</b> 338:6	231:17	143:17,17
199:20 201:14	<b>274</b> 8:20	<b>35</b> 198:17	<b>5,238</b> 62:3	205:15 207:14
219:12 310:21	<b>276</b> 9:6	<b>350</b> 3:18	<b>5.0</b> 122:23	282:5
<b>2018</b> 1:12 12:8	<b>28</b> 1:12 12:7	<b>36</b> 229:20	<b>5/15/09</b> 7:21	<b>7:30</b> 310:11
17:17 26:2	275:2 313:23	244:23	<b>5:14</b> 304:13	<b>7024</b> 79:20
87:22 107:24	<b>281</b> 9:8	<b>36104</b> 2:4	<b>5:25</b> 304:17	136:11 137:19
335:15	<b>288</b> 9:11	<b>37</b> 244:23	<b>50-foot</b> 62:2	155:2,4,5,8
<b>202</b> 7:15	<b>29</b> 202:22	<b>3rd</b> 131:17	<b>506-3767</b> 3:5	156:5 160:1,5
<b>21</b> 266:22 274:5	219:11 314:24	133:16	<b>51</b> 3:4	162:5,13
274:8	316:13 333:18	<hr/> <b>4</b> <hr/>	<b>512.391.0183</b>	163:10 164:11
<b>21-22</b> 294:2	<b>293</b> 9:14	<b>4</b> 54:15 57:20	3:15	252:10 284:13
<b>212</b> 3:5	<b>2a</b> 58:3	69:19 77:9	<b>52nd</b> 3:4	<b>703</b> 2:10
<b>214</b> 7:17	<hr/> <b>3</b> <hr/>	88:20 101:16	<b>530885</b> 213:19	<b>7164</b> 284:5
<b>217</b> 11:9	<b>3</b> 30:19 83:7	104:2 180:23	<b>5310</b> 142:3	<b>7169</b> 177:18
<b>218</b> 2:4	132:15 320:24	180:24 190:18	<b>54</b> 5:18	<b>732</b> 2:14,19 4:4
<b>21st</b> 246:2	<b>3.0</b> 63:22	191:9,12 256:5	<b>549-7000</b> 3:10	<b>738-5600</b> 4:4
<b>22</b> 245:15 274:6	<b>3.14</b> 69:1	282:4 320:24	<b>5756-3</b> 302:3	<b>747-9003</b> 2:14
274:17,19,24	<b>3.15</b> 69:2	<b>4/13/12</b> 9:9	<hr/> <b>6</b> <hr/>	<b>76</b> 6:6
278:24,24	<b>3.2</b> 59:22	<b>4/15/11</b> 7:14	<b>6</b> 13:10 57:21	<b>78701</b> 3:14
305:13	<b>3/21-22/16</b> 9:15	<b>4/16/12</b> 9:12	59:20,23 60:3	<hr/> <b>8</b> <hr/>
<b>22311</b> 2:9	<b>3/24/10</b> 6:7	<b>4/23/09</b> 7:16	60:8 96:14	<b>8</b> 13:10 79:24
<b>228</b> 7:20	<b>3/24/11</b> 6:11	<b>4:02</b> 265:4	97:20,24 99:6	81:15 109:19
<b>22nd</b> 245:23	<b>30</b> 5:17 244:23	<b>4:22</b> 265:8	111:5 113:6	114:24 117:16
303:4	316:11 317:15	<b>40</b> 183:11	118:9 156:16	138:12 195:5
<b>23</b> 203:6 276:7	319:7,8,8	264:21	179:12 212:11	206:3 213:20
<b>238</b> 8:6	333:17 336:16	<b>40-plus-year</b>	214:24,24	276:13
<b>24</b> 76:18 120:14	<b>30(b)(6)</b> 15:1	153:19	231:5 233:9,21	<b>8031</b> 55:19,23
122:3 129:10	170:20 181:12	<b>40-some-odd</b>	<b>6,000</b> 231:6	56:8 101:13
129:24 131:2	222:4,10	44:19	<b>6.0</b> 158:22	103:4,6 105:21
180:19 281:4	260:24 261:16	<b>40-year</b> 153:11	<b>6/16/11</b> 6:19	<b>816</b> 3:14
<b>24th</b> 96:19	268:18 291:8	<b>411701</b> 9:23		
118:11 327:6				

Donald Hicks

Page 381

<b>855-6066</b> 2:19 <b>8597</b> 132:2,6,8 <b>877.370.3377</b> 1:23 <b>8967</b> 75:14 105:5 314:3 315:4 <hr/> <b>9</b> <hr/> <b>9</b> 13:10,11 70:15 97:23 119:5 132:22,22 141:9 155:18 173:7 222:20 <b>9:31</b> 1:17 12:8 <b>90</b> 2:18 <b>900</b> 2:18 <b>917.591.5672</b> 1:23 <b>931-5500</b> 2:10 <b>96</b> 6:9 <b>973</b> 3:10 <b>973-267-0058</b> 3:19 <b>98</b> 229:20				
---	--	--	--	--

# Exhibit 44

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF NEW JERSEY

3                   \_\_\_\_\_) MDL NO.  
4                   IN RE: JOHNSON & JOHNSON            ) 16-2738 (FLW) (LHG)  
5                   TALCUM POWDER PRODUCTS            )  
6                   MARKETING, SALES PRACTICES            )  
7                   AND PRODUCTS LIABILITY            )  
8                   LITIGATION                            )  
9                   \_\_\_\_\_)                                )  
10                  THIS DOCUMENT RELATES TO ALL )  
11                  CASES                                )  
12                  \_\_\_\_\_)                                )

13                   PURSUANT TO NOTICE, the videotaped 30(b)(6)  
14                   deposition of Imerys Talc America, Inc., through the  
15                   oral testimony of JULIE PIER - VOLUME II was taken on  
16                   behalf of the Plaintiffs, at Gordon & Rees, 555  
17                   Seventeenth Street, Suite 3400, Denver, Colorado, on  
18                   September 13, 2018, commencing at 9:37 a.m., before  
19                   Melanie L. Giamarco, Registered Merit Reporter,  
20                   Certified Realtime Reporter, Registered Professional  
21                   Reporter and Notary Public within Colorado.  
22  
23  
24  
25

Page 106	Page 108
<p>1 findings?</p> <p>2 A. The testing is just done to show -- or</p> <p>3 confirm that our testing that we did in the U.S. --</p> <p>4 that we get the SEM result. In Toulouse, they use</p> <p>5 different instrumentation. So we just -- it's part</p> <p>6 of our protocol, or program, is to have periodic</p> <p>7 tests. Cross-checks we call them.</p> <p>8 Q. Is Imerys' testing in Toulouse, this</p> <p>9 rotational testing, is that done on composite</p> <p>10 samples of the ore stream from Houston?</p> <p>11 A. It is done on the -- it is done on a</p> <p>12 monthly composite, yes.</p> <p>13 Q. And so I might ask you a better</p> <p>14 question.</p> <p>15 How about the monthly composite? Could you</p> <p>16 describe that composite for me, please?</p> <p>17 A. When we -- the Houston lab has</p> <p>18 designated representative products, meaning</p> <p>19 products that represent the different ore streams.</p> <p>20 And these are -- samples are taken at the Houston</p> <p>21 mill each time a product is milled. And at the end</p> <p>22 of the month, that composite sample for that</p> <p>23 product is sent to Denver -- or it was Denver, now</p> <p>24 San Jose. So it's a -- it represents a monthly</p> <p>25 composite of a product that represents a specific</p>	<p>1 that sample for that lot is sent directly to</p> <p>2 Johnson &amp; Johnson.</p> <p>3 Q. Is that a requirement of Imerys of spec?</p> <p>4 Is that why you do that?</p> <p>5 A. I believe it is.</p> <p>6 Q. Do you know why Johnson &amp; Johnson</p> <p>7 required that specification that they get a direct</p> <p>8 sample of your ore for testing?</p> <p>9 A. Well, it's not -- I mean, it's a product</p> <p>10 at this point, so --</p> <p>11 Q. It's milled?</p> <p>12 A. It's a milled product, yes, as the</p> <p>13 railcar is be filled, so --</p> <p>14 Q. Do you know why?</p> <p>15 A. I -- it was just part of the</p> <p>16 specifications. My understanding is that</p> <p>17 Johnson &amp; Johnson does its own suite of tests on</p> <p>18 that.</p> <p>19 Q. With respect to Imerys France, does</p> <p>20 Imerys France ever send to Imerys America the</p> <p>21 results of its testing of Chinese ore, talc ore?</p> <p>22 A. Yes, it does.</p> <p>23 Q. How often?</p> <p>24 A. We do the cross-check analysis with</p> <p>25 approximately the same frequency -- well, I think</p>
Page 107	Page 109
<p>1 ore stream in Houston.</p> <p>2 Q. And this is post milling; is that</p> <p>3 correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Is there ever a segregation of Grade 25,</p> <p>6 Johnson's product, Baby Powder product, out from</p> <p>7 the composite so that it is tested separately?</p> <p>8 A. The Grade 25 that essentially goes to</p> <p>9 Johnson &amp; Johnson goes through the same process of</p> <p>10 every time it's manufactured, a portion is taken</p> <p>11 representative of that manufacture date for the</p> <p>12 month, and that's one of the product streams</p> <p>13 represented.</p> <p>14 Q. So I don't think that was my question.</p> <p>15 Specifically about Johnson &amp; Johnson's</p> <p>16 Grade 25 ore, is that ever tested separately from</p> <p>17 the composite when composite testing is done?</p> <p>18 MR. KLATT: Objection; form.</p> <p>19 A. By TEM or . . .</p> <p>20 Q. (By Mr. Green) By anything. Is it ever</p> <p>21 tested?</p> <p>22 A. Yes. And, I'm sorry, I have to</p> <p>23 remember. Samples are taken as the railcar is</p> <p>24 being filled in Houston, and the San Jose lab is</p> <p>25 not involved in that. I believe that those -- that</p>	<p>1 I -- I'm sorry. I think I mentioned that it was --</p> <p>2 once a -- it's -- I'm getting myself confused. I</p> <p>3 apologize.</p> <p>4 It's monthly composites. We rotate those</p> <p>5 and send them to Europe. Europe does the testing</p> <p>6 and sends the results to us. So for Grade 25</p> <p>7 specifically, that would be approximately once a</p> <p>8 year.</p> <p>9 Q. Does France send -- does Luzenac</p> <p>10 France -- I'm sorry.</p> <p>11 Does Imerys France send to Imerys America</p> <p>12 the results of its testing on Chinese ore received</p> <p>13 in France for European?</p> <p>14 MR. KLATT: Objection; form.</p> <p>15 A. I'm sorry. Are you asking about the</p> <p>16 Chinese ore that's being imported to China or to</p> <p>17 Europe?</p> <p>18 Q. (By Mr. Green) I am. That last</p> <p>19 question was. Not before. This last question was,</p> <p>20 yes.</p> <p>21 A. They do their own testing by SEM. And</p> <p>22 they also do XRD and PLM. I don't think that they</p> <p>23 share those results with us, per se, unless we ask</p> <p>24 for it.</p> <p>25 Q. What would prompt Imerys to ask for</p>

Page 401

1 to admit, I am completely confused by all of that.  
 2 So can we back up and talk about that again?  
 3 What I'm trying to establish is how often  
 4 you are testing those samples of talc being sent to  
 5 Johnson & Johnson, and if a representative sample  
 6 of all the shipments of talc being sent to  
 7 Johnson & Johnson are being tested.  
 8 So let's start back with Vermont talc. So  
 9 before 2003, when Imerys started importing Chinese  
 10 talc, were samples being tested on a regular basis  
 11 by TEM prior to 2003?  
 12 A. Prior to 2003, the program was to do TEM  
 13 on post-milled samples on a quarterly basis.  
 14 Q. Okay. Can I stop you right there --  
 15 A. Yes.  
 16 Q. -- just so I can break that down?  
 17 So when you say "post-milled samples," that  
 18 means that talc has already been shipped to  
 19 Johnson & Johnson?  
 20 A. The TEM testing is after the product is  
 21 made and after it is shipped, yes.  
 22 Q. And we're talking about Vermont talc  
 23 prior to 2003?  
 24 A. Yes. At some point, it was quarterly.  
 25 I have even older records that indicate there was a

Page 402

1 time period we were doing this monthly as well.  
 2 Q. And didn't you testify yesterday that  
 3 there was also some TEM sample testing taking place  
 4 before it was milled?  
 5 A. Yes.  
 6 Q. And before it was floated?  
 7 A. Yes.  
 8 Q. Okay. How -- was every sample tested by  
 9 TEM before it's milled and floated?  
 10 A. That was also a monthly composite.  
 11 Q. How were the monthly composites  
 12 accumulated?  
 13 A. For the product or for the pre-milled --  
 14 Q. For what you're testing by TEM.  
 15 MR. SILVER: Dave, in an attempt to help,  
 16 I'll let the witness answer. Part of that might  
 17 have been in Pat Downey as per the previous e-mail.  
 18 Because I can't talk to her, I'm not sure what  
 19 she's familiar with and what she knows after it  
 20 hits her lab.  
 21 MR. DEARING: Let's find out. She seems to  
 22 know a lot about it, so let's find out.  
 23 MR. SILVER: Like I said, just -- I'm trying  
 24 actually to help and clarify.  
 25 Q. (By Mr. Dearing) So you're talking

Page 403

1 about monthly composite testing of pre-milled,  
 2 pre-floated samples taken --  
 3 A. Correct.  
 4 Q. -- in Vermont?  
 5 A. Correct.  
 6 Q. Is that done on every load of talc  
 7 that's brought out of the mine?  
 8 MR. KLATT: Objection; form.  
 9 A. And Pat Downey does know more about  
 10 this, I believe, than I do, but my understanding is  
 11 that as the pre-floated material is going through  
 12 its first crushing step, that composite samples are  
 13 already automatically -- or individual samples are  
 14 automatically taken during that process and then  
 15 composited and ground for analysis by TEM.  
 16 Q. (By Mr. Dearing) And I think you told  
 17 me yesterday that's done so that you could analyze  
 18 the talc before you went through all the trouble of  
 19 milling and floating and all of that in case you  
 20 discovered some impurities, right?  
 21 A. It's a way of keeping track and  
 22 monitoring what the ore is looking like.  
 23 Q. So the monthly composite testing that  
 24 takes place before it's milled by TEM, has Imerys  
 25 maintained those records?

Page 404

1 A. As much as we have been able to compile,  
 2 yes.  
 3 Q. What does that mean?  
 4 A. We have the records, and the reports we  
 5 just -- they're -- there were some gaps in the  
 6 reporting. We weren't able to find every single  
 7 report, is all I am saying.  
 8 Q. What about the samples? Are those  
 9 samples preserved? And I'm talking about the  
 10 pre-2003 Vermont talc, pre-milling TEM testing  
 11 samples.  
 12 A. We did not start saving samples  
 13 indefinitely until 2002 time frame.  
 14 Q. So are you saying those samples don't  
 15 exist?  
 16 A. So prior to that, those samples, for  
 17 sure, don't exist.  
 18 Q. Okay. Were they destroyed?  
 19 MR. SILVER: Objection.  
 20 I'm going to instruct the witness not to  
 21 answer per the Special Master's ruling.  
 22 MR. DEARING: Can we go off the record for a  
 23 minute?  
 24 MS. O'DELL: I don't think the Special  
 25 Master -- I mean, she has put in the record, just

Page 573	Page 575
<p>1 record. Beginning of Media File 8. The time is</p> <p>2 4:01.</p> <p>3 MR. GREEN: Based on a discussion off the</p> <p>4 record, I am going to withdraw Exhibit 27. And if</p> <p>5 we could have that returned. We're marking as 27</p> <p>6 another exhibit.</p> <p>7 Q. (By Mr. Green) But before we get to</p> <p>8 that exhibit, Miss Pier, I have some factual</p> <p>9 questions that you might be able to answer.</p> <p>10 In or about March of 2004, were you aware</p> <p>11 that there was a TEM quarterly backlog of samples</p> <p>12 since 2001?</p> <p>13 A. There was a period of time that we had a</p> <p>14 backlog of those samples, yes.</p> <p>15 Q. And that backlog had existed since 2001;</p> <p>16 is that correct?</p> <p>17 MR. KLATT: Objection; form.</p> <p>18 A. I don't have the exact range of dates.</p> <p>19 It was the end of 2001, I believe, to 2002 or 2003</p> <p>20 time period. It was approximately two years, maybe</p> <p>21 slightly more than two years.</p> <p>22 Q. (By Mr. Green) And the products that</p> <p>23 were backlogged -- strike that.</p> <p>24 The sampling that was backlogged during that</p> <p>25 period of time, did that backlog affect J&amp;J's</p>	<p>1 MR. GREEN: Could I have IMERYs, please,</p> <p>2 130369, please? And this will be marked now as</p> <p>3 Exhibit 27.</p> <p>4 (Exhibit 27 was marked for identification.)</p> <p>5 Q. Do you have that document, Exhibit 27,</p> <p>6 ma'am?</p> <p>7 A. I have this document. Did you say what</p> <p>8 page?</p> <p>9 Q. I didn't. I just want to make sure that</p> <p>10 you had it and you had a chance to see it. And</p> <p>11 it's now the new exhibit, number 27.</p> <p>12 Do you have that in front of you?</p> <p>13 A. I do have this exhibit, yes.</p> <p>14 Q. And this is IMERYs Bates number 130369.</p> <p>15 Do you see that at the bottom of the first</p> <p>16 page?</p> <p>17 A. I do, yes.</p> <p>18 Q. And this is Luzenac America Business</p> <p>19 Development and Marketing Group document of</p> <p>20 June 2004; do you see that?</p> <p>21 MR. GREEN: Thank you for calling that out,</p> <p>22 Zach.</p> <p>23 Q. Do you see that, ma'am?</p> <p>24 A. Yes, I do.</p> <p>25 Q. And if I could direct your attention,</p>
Page 574	Page 576
<p>1 product in any way, that is, its movement of its</p> <p>2 product, its purchase and sale of its product</p> <p>3 through you?</p> <p>4 A. In fact, it did not.</p> <p>5 Q. On or about March of 2004, were you</p> <p>6 aware of a HIPO loss incident report?</p> <p>7 A. I am aware of a -- yes. I'm aware of</p> <p>8 this, yes.</p> <p>9 Q. And could Imerys please tell me what a</p> <p>10 HIPO is? That acronym, what does it stand for?</p> <p>11 A. It stands for high potential for loss.</p> <p>12 It's -- it's a sales-related database of incidents</p> <p>13 that may happen that our customers may not view</p> <p>14 favorably.</p> <p>15 Q. And on or about March of 2004, did such</p> <p>16 an incident occur to Imerys' knowledge?</p> <p>17 A. I believe -- I believe it did occur</p> <p>18 related to the backlog of these samples after the</p> <p>19 product was made samples.</p> <p>20 Q. And not to belabor a point, but a</p> <p>21 question for you.</p> <p>22 The prior exhibit indicated a backlog of</p> <p>23 2001 to 2004. Is that the same backlog that you</p> <p>24 were aware of in March of 2004?</p> <p>25 A. I believe it was. I believe it was.</p>	<p>1 please, to page 6 of this document.</p> <p>2 MR. KLATT: I don't know that I consistently</p> <p>3 noted this, but this is another two-sided exhibit,</p> <p>4 just for the record.</p> <p>5 MR. GREEN: Certainly.</p> <p>6 Q. (By Mr. Green) Are you there, ma'am, on</p> <p>7 page 6?</p> <p>8 A. I do, yes.</p> <p>9 Q. And page 6 is Bates number 130374; do</p> <p>10 you see that on the right?</p> <p>11 A. Yes, I do.</p> <p>12 Q. And you also see on the left-hand side</p> <p>13 that this was a protected document and it was</p> <p>14 produced to us subject to a protective order; do</p> <p>15 you see that?</p> <p>16 A. I see those words, yes.</p> <p>17 Q. Above that, there's a -- in bold?</p> <p>18 MR. GREEN: And if you can call this out for</p> <p>19 "Analytical," please.</p> <p>20 Q. Above that, there's a bold caption</p> <p>21 "Analytical"; do you see that?</p> <p>22 A. I do see that, yes.</p> <p>23 Q. And make sure that I read this</p> <p>24 correctly, but it begins -- it begins on page 6 and</p> <p>25 goes to 7. Just briefly, "The month of June was</p>

# Exhibit 45

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS  
STATE OF MISSOURI  
The Honorable Rex M. Burlison, Judge**

**GAIL LUCILLE INGHAM, ET AL.,** )  
Plaintiffs, )  
vs. ) Cause No. 1522-CC10417-01  
**JOHNSON & JOHNSON, ET AL.,** )  
Defendants. )

**TRIAL TRANSCRIPT**  
**Volume 25**

**July 6, 2018**

**JENNIFER A. DUNN, RPR, CCR #485  
OFFICIAL COURT REPORTER  
CITY OF ST. LOUIS CIRCUIT COURT  
TWENTY-SECOND JUDICIAL CIRCUIT  
jdunncourts@yahoo.com**

14:47:24 1 A Yes, I didn't disagree with it.

14:47:27 2 Q I know, but there was an objection that I had the  
14:47:29 3 date wrong. The approach was wrong everywhere. Y'all used  
14:47:33 4 the wrong approach all the time, didn't you?

14:47:36 5 A I disagree with that.

14:47:38 6 Q And the amount that you tested was super small if  
14:47:40 7 you're talking about the really careful test, right?

14:47:44 8 A The amount is small, but it's part of the protocol  
14:47:49 9 which uses transmission microscopy, polarized light and  
14:47:56 10 x-ray diffraction.

14:47:57 11 Q With no concentration?

14:47:57 12 A No. Because they're using transmission  
14:47:58 13 microscopy, it gives you the ability to detect parts per  
14:48:04 14 million.

14:48:04 15 Q Right. You can detect something really small.  
14:48:07 16 But the idea, like the Colorado School of Mines told you  
14:48:10 17 that you were going to find the needle in the haystack by  
14:48:13 18 just checking out, this is nearly impossible, isn't it?

14:48:18 19 Let's do it this way. Let's do it this way. Tell  
14:48:21 20 the jury how much you would test in that electron  
14:48:26 21 microscope.

14:48:27 22 A It's a very, very small quantity. Probably in  
14:48:30 23 milligrams, a tiny amount, yes.

14:48:32 24 Q It's actually 100 -- we'll write it off to the  
14:48:37 25 side. 100 nanograms in each test, right?

14:48:46 1 A Approximately, yes.

14:48:48 2 Q Now, a nanogram is -- do you want to convert it to  
14:48:54 3 grams for us?

14:48:55 4 A .001 gram, I believe.

14:48:59 5 Q It's one it's a 10 millionth of a gram. It takes  
14:49:07 6 10 million of those to make 1 gram, right?

14:49:11 7 A It does.

14:49:12 8 Q So you have to do 10 million of those tests to  
14:49:19 9 get -- to test 1 gram, to get 1 gram, right?

14:49:24 10 A Yes.

14:49:25 11 Q And so you've got a bottle like this, 623 grams.  
14:49:34 12 Right? 623 grams?

14:49:40 13 A Yes.

14:49:41 14 Q All right. So 10 million to get 1 gram, and we  
14:49:46 15 need 623 of those to test that bottle. That means you've  
14:49:52 16 got -- to test that bottle is going to take 6,230,000,000  
14:50:12 17 tests if you don't concentrate it, isn't it?

14:50:18 18 A If you do your math, yes. But if you put it in  
14:50:23 19 the context, that is one of the three tests done, and it  
14:50:25 20 still looks at many, many, many thousands of particles under  
14:50:28 21 that microscope. Statistically you would pick it up if it  
14:50:32 22 were there.

14:50:32 23 Q No, no, no. First of all, you and Mr. Bicks did  
14:50:35 24 this during the exam already. Y'all acted like you do three  
14:50:40 25 tests on every sample, every eight hours, every shift, every

14:50:45 1 week, every month, for decades. That is flat out false,  
14:50:49 2 isn't it?

14:50:50 3 A No, what you do --

14:50:52 4 Q Is that a yes or no, is that true or false?

14:50:55 5 A The samples are taken every hour. They're  
14:51:01 6 combined composite and the samples are taken from a  
14:51:06 7 composite to test.

14:51:10 8 Q Y'all did not do tests, all three tests, on all of  
14:51:14 9 your samples for decades. You didn't do that, did you?

14:51:18 10 A No, initially --

14:51:19 11 Q Thank you.

14:51:20 12 A It wasn't done in every single batch.

14:51:23 13 Q Not even close?

14:51:24 14 A But TEM was being done on batches since 1972, '73  
14:51:28 15 time frame.

14:51:29 16 Q Uh-huh. And you still haven't done enough to even  
14:51:31 17 get into a small bottle. That's just going to take forever,  
14:51:35 18 hundreds of thousands to millions of years, right?

14:51:40 19 A We test every bottle that goes on the market on  
14:51:43 20 the shelf.

14:51:43 21 Q Give me one.

14:51:44 22 A But the methodology is that you don't need to do  
14:51:47 23 that level of testing. You can show whether or not there's  
14:51:51 24 asbestos there or anything else by taking composite samples,  
14:51:55 25 taking a representative portion of that and testing that.

14:51:58 1 Q And testing one 10 millionth of a gram and it  
14:52:03 2 explains why y'all can't rarely find it, yet anybody else  
14:52:06 3 that's pulling it off the shelves who concentrates it can  
14:52:11 4 find immediately, you think?

14:52:13 5 A No.

14:52:13 6 Q All right. Let's keep going. Sir, in the  
14:52:14 7 interest of my time, let's keep going. You not only -- is  
14:52:19 8 that the where, not only was the approach the wrong approach  
14:52:22 9 everywhere, the amount's super small, but even the lab of  
14:52:26 10 last resort didn't help.

14:52:29 11 You know what I mean by the lab of last resort?

14:52:32 12 A No, but I'm sure you'll explain.

14:52:34 13 Q Do you remember how y'all had this process where  
14:52:37 14 one lab finds it positive and you send it to a second lab,  
14:52:40 15 if they find asbestos, as a last resort you send it to RJ  
14:52:45 16 Lee and let their lab determine it.

14:52:49 17 A Is that a question?

14:52:50 18 Q Yeah. Do you remember that?

14:52:51 19 A No.

14:52:56 20 MR. LANIER: Your Honor, I'm going to get  
14:52:58 21 copies for folks, and if you would assign a number to that.  
14:53:04 22 And I'll just ask the questions without the document right  
14:53:07 23 now. If you want the document, we'll put it up here, sir.

14:53:10 24 Q (By Mr. Lanier) The truth of the matter is, at  
14:53:12 25 one point, Johnson & Johnson went in and did an audit of the